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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
BYRON SHER AUDITORIUM
SACRAMENTO, CALIFORNIA

THURSDAY, DECEMBER 7, 2006

9:41 A.M.

KATHRYN S. KENYON, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliott Block, Chief Counsel

Ms. Julie Nauman, Chief Deputy Director

Ms. Kristen Garner, Executive Assistant

Mr. John Smith, Acting Deputy Director, Waste Prevention
and Market Development

Mr. Howard Levenson, Deputy Director, Permitting &
Enforcement Division

Mr. Jon Myers, Assistant Director, Public Affairs

Mr. Trevor O'Shaughnessy, Supervisor, State Agency
Assistance Section

Ms. Lorraine Van Kekerix, Acting Deputy Director,
Diversion, Planning & Local Assistance

Mr. Scott Walker, Branch Manager, Remediation, Closure &
Technical Services Branch

APPEARANCES CONTINUED

ALSO PRESENT

Senator Pat Wiggins

Mr. Evan Edgar, California Refuse Removal Council

Mr. Kevin Finn, Republic Services

Ms. June Guidotti

Mr. George Gynn

Ms. Beverly Kennedy, Ogilvy

Mr. Duane Kromm, Solano County

Ms. Rachel Manke, Ogilvy

Ms. Lorraine McKee

Mr. Terry Schmidtbauer, Solano County LEA

Mr. David Isaac Tam

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. Thank you.
3 It's a pleasure to be here. And we do have a special
4 presentation, so we're going to start this meeting and
5 then we're going to go a little bit out of order. So bear
6 with us for a little bit.

7 But I would like to call this meeting of the
8 Integrated Waste Management Board and ask that Kristen
9 call the roll.

10 EXECUTIVE ASSISTANT GARNER: Danzinger?

11 MEMBER DANZINGER: Here.

12 EXECUTIVE ASSISTANT GARNER: Mulé?

13 MEMBER MULÉ: Here.

14 EXECUTIVE ASSISTANT GARNER: Peace?

15 MEMBER PEACE: Here.

16 EXECUTIVE ASSISTANT GARNER: Petersen?

17 MEMBER PETERSEN: Here.

18 EXECUTIVE ASSISTANT GARNER: Brown?

19 CHAIRPERSON BROWN: Here.

20 I would like to remind people to please turn your
21 cell phones off or into the vibrate mode. There are
22 speaker slips in the back of the room.

23 If you would like to speak on any of the agenda
24 items, please bring them to Kristen at the front door.
25 And I would like to invite everybody to please stand and

1 say the Pledge of Allegiance.

2 (The Pledge of Allegiance was recited.)

3 CHAIRPERSON BROWN: Thank you. Do we have any ex
4 partes to report at this time?

5 Everybody is up to date at this time.

6 Before we begin this morning, I would like to take
7 a brief moment to congratulate Elliott Block who has been
8 selected by this Board to serve as the new chief counsel
9 for the Integrated Waste Management Board.

10 And welcome, Elliot.

11 (Applause.)

12 CHAIRPERSON BROWN: We're very pleased that Elliot
13 chose to accept that and put him to work immediately.

14 So thank you.

15 At this time, I will skip to the executive
16 direct's report. And Mark?

17 EXECUTIVE DIRECTOR LEARY: Thank you, Madam Chair
18 and Board members.

19 I do have a couple of items I would like to report
20 on. I would like to emphasize a couple of points that --
21 first of all, on behalf of the staff as well as the Board,
22 we applaud its choice of Elliot Block as chief counsel.

23 We may not say that every day, but most days we'll
24 say that.

25 I would like to emphasize a couple of points that

1 John Smith made at the Market Development Committee
2 meeting in regards to the benefits of the 2006 Byproduct
3 Summit. John reported and I would like to reemphasize
4 that we learned exciting new things, the most important of
5 which being that Caltrans announced it will raise the
6 recycled aggregate allowance for road base and standard
7 specs to a hundred percent.

8 I know the Board appreciates, and you recognize,
9 and made that appreciation known at the committee, that
10 this is a huge breakthrough; we have been hoping for it in
11 support of our efforts to encourage local jurisdictions to
12 do likewise. The Caltrans representative announced at
13 that summit, that Caltrans will be releasing a
14 specification for the use of glass as aggregate, also for
15 road base. It will be posted on the Caltrans Web site in
16 a couple of months. And Board staff will include links to
17 those specifications in our Green Procurement Toolbox.

18 And I would like to follow up on my -- my report
19 last month, in Riverside, about the stipulated agreement
20 in Orange County in regards to this CBT facility, which I
21 don't recall what it stands for. The current regulations
22 under the temporary waiver require the executive director
23 to review all stipulated agreements issued by the LEA and
24 report these to the Board.

25 Between October 23rd and December 2nd of this

1 year, Taormina Industries had some unforeseen manpower
2 shortage and a large volume of MSW accumulated in the
3 service area of the community. While Taormina Industries
4 implemented a backup plan, it was unable to keep up with
5 the service demand.

6 On November 2nd, in pursuant to the regulations,
7 Taormina Industries submitted a request for a temporary
8 stipulated agreement to the Orange County Health Care
9 Agency, the LEA. The request was for a temporary
10 20 percent increase in the permitted maximum daily
11 tonnage, which would allow for a change in the rate of
12 daily waste receipt from 6,000 to 7,200 tons per day.

13 On November 3rd, the LEA and Taormina Industries
14 entered into this agreement to allow for the temporary
15 change of the permitted maximum daily tonnage, again, from
16 6,000 to 7200 tons for the period of six calendar days,
17 from November 3rd to November 8th.

18 The stipulated agreement was received by the Board
19 on the 6th; then it was posted on the Board's Web page on
20 the 8th.

21 The stipulated agreement terminated, and it
22 terminated at the end of that day, November 8. The
23 information obtained from the LEA indicates that the
24 permitted daily tonnage was actually only exceeded on one
25 day of the six days allowed in the agreement.

1 Upon review, I've determined that the stipulated
2 agreement is not consistent with the current regs for the
3 temporary waiver of terms. The unforeseen manpower
4 shortage that was reported to the LEA by Taormina
5 Industries was associated with a labor strike. Current
6 regulations do not provide for a waiver due to a labor
7 strike.

8 However, information the LEA provided staff,
9 subsequent to the issuance of the agreement, indicates
10 that the LEA issued the agreement on the grounds of
11 concerns for public health and safety.

12 The LEA's information further indicates that the
13 county health officer was concerned about the health and
14 safety impacts related to the accumulation of putrescible
15 waste and the generation of vermin -- that is, maggots,
16 flies, and rats.

17 The current regulations are silent on whether or
18 not an EA can issue a stipulated agreement for temporary
19 waiver on the grounds concerning public health and safety.
20 But it also allows, though, that the executive director
21 can condition, limit, and suspend or terminate the
22 operator's use of the stipulated agreement only if it is
23 determined that the use of the agreement would cause harm
24 to public health and safety for the environment.

25 Obviously we can not make that finding.

1 At the same time, the Board is in the midst of a
2 rulemaking to revise the temporary waiver terms of
3 regulations to, A, clarify the executive director's
4 ability to condition the enforcement agreement -- the
5 enforcement agencies issue stipulated agreements; and, B,
6 to add a provision that allows the EA the ability to issue
7 a stipulated agreement that waives permit terms and
8 conditions in order to protect public health and safety.

9 Therefore, I am reporting on the waiver without
10 recommending a change. I'm of the opinion that although
11 the LEA's issuance of this agreement with respect to
12 public health and safety is not contemplated in the
13 current version of the regs, such issuance did not cause
14 harm to the public health and safety or the environment.

15 However, I'm also requesting the LEA to consult
16 with staff in future actions regarding the issuance of
17 these agreements.

18 But I would like to make two more general comments
19 about these situations that lead to the request for and
20 issuances of stipulated agreements for a temporary waiver
21 of terms.

22 First, as I've noted, the Board is contemplating
23 changes in these regs that will address the ability of an
24 LEA to issue a stipulated agreement in order to protect
25 public health and safety.

1 Second, this type of situation suggests that
2 operators, LEAs, and local jurisdictions need to take a
3 more proactive approach in planning and providing for
4 unforeseeable circumstances, particularly as population
5 growth and subsequent waste generation threatens to
6 overtake existing solid waste management capacity in a
7 region. For example, LEAs and operators can review solid
8 waste facility permits in their jurisdictions and consider
9 adding permit conditions that plan for such situations,
10 and local jurisdictions can review franchise agreements to
11 ensure flexibility in addressing the same situations.

12 That concludes my report on the waiver.

13 I would like -- one other report on the Esperanza
14 Wildfire. A temporary emergency waiver was requested by
15 the Badlands Sanitary Landfill, on October 26th, the
16 Esperanza Wildfire caused officials in the County of
17 Riverside to declare a local emergency.

18 On October 27th, the LEA granted an emergency
19 waiver for extended hours and additional tonnage and
20 vehicles at the Badlands Sanitary Landfill, in order to
21 accept solid waste diverted from the Land Canyon Sanitary
22 Landfill, which was closed due to the fire.

23 On November 1st, the emergency waiver was
24 rescinded.

25 And then last but not least, I would like to

1 introduce Scott Walker for a quick update on progress at
2 BKK. And at the conclusion of Scott's report, that too,
3 will conclude my executive director's report.

4 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

5 MANAGER WALKER: Thank you. Scott Walker. Permitting and
6 Enforcement Division.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

10 MANAGER WALKER: As you may recall, the BKK landfill has
11 for many years been a very, very controversial,
12 complicated site.

13 And these issues became very, very prominent
14 about -- back in 2004, especially for the Board.

15 We are pleased to report today that while
16 challenges remain, we have made substantial progress;
17 we're in a much better situation.

18 To recap, the BKK landfill is located in West
19 Covina, City of West Covina, Los Angeles County. The
20 first slide provides an overview of some major site
21 features.

22 --o0o--

23 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

24 MANAGER WALKER: It is a very, very large landfill. It's
25 probably the second largest in terms of waste in place in

1 the state. It is no longer operating.

2 It's very close to residences and in a highly
3 urbanized area. There are actually two landfills on the
4 property. There's a Class 1 area, which has mixed
5 hazardous waste and solid waste. It operated from 1962 to
6 1987. It's under oversight at DTSC. It's in the
7 post-closure maintenance period -- about 15 years down the
8 post-closure maintenance period. But it also has
9 corrective action requirements for contamination releases.

10 The Class 3 area is adjacent. It started
11 operating in 1987, and it ceased operating in 1996. And
12 it is, in closing -- still in the process of closing under
13 oversight of the Waste Board, LEA and the Water Board.

14 In November of 2004, the financial condition of
15 the owner and operator, which is the BKK Corporation, had
16 deteriorated to such an extent that DTSC's emergency
17 response contractor had to take over essential operations,
18 which primarily included the leachate treatment plant and
19 gas control system.

20 There was also a corrective action required for
21 failed storm drain -- storm drain had started failure in
22 early 2004. There was no financial mechanism, either
23 Class 1 or Class 3 to address that corrective action in
24 the storm drain.

25 Completion of the final phase of closure was also

1 in progress at the time the handover to DTSC occurred. It
2 was linked to the same contractor that the City had for a
3 city redevelopment project, which you can see some of the
4 main features on the slide.

5 Part of the City's project would include a golf
6 course on the top deck of the Class 3 area. Needless to
7 say, there were some major problems at the time, and cost
8 overruns and other problems of the contract financial
9 mechanism caused a -- essentially resulted in the
10 suspension of both the City and the Class 3 closure
11 projects in late 2004.

12 Unfortunately, the City and BKK failed to properly
13 coordinate these projects and ensure funding. And Board
14 staff was brought in far too late and with far too many
15 insurmountable problems to really salvage the project at
16 that time.

17 We didn't give up. We negotiated extensively with
18 the BKK and the City, regulatory agencies, the contractor,
19 and some other parties, to resolve getting the closure
20 project back on top, compatible with the City's
21 redevelopment plans. We had revised plans. Closure plans
22 developed, and we were able to prove these in February of
23 2005.

24 Using the existing funds available to do a
25 scaled-back Title 27 closure project, the key differences

1 were: The project would have much less final cover
2 thickness, that was more compatible with non-irrigated
3 open space, than a golf course.

4 Landscaping costs and earthware costs were
5 dramatically reduced, and we were able to ship money from
6 the post-closure policy to the closure policy to cover it.
7 We also negotiated with the insurance company to establish
8 an escrow account solely for the closure project that the
9 Board controlled. We have much more flexibility to ensure
10 proper payment of contractors and management of the
11 appropriate use of the funds in this project.
12 Slide two, please.

13 --o0o--

14 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH
15 MANAGER WALKER: To compound the difficulty, and, as you
16 all may recall, in early 2005, we had probably one of the
17 most stormiest rainy seasons on record for Southern
18 California. So the -- as a result, the storm drain system
19 failure rapidly progressed; it just got worse and worse.
20 There was -- what was most disturbing is the increased
21 vinyl chloride emissions in air that were detected, and
22 that was a major public health concern.

23 And also, in the Class 3 area, which was -- kind
24 of stopped in the middle of closure, it just got
25 progressively worse from the erosion.

1 --o0o--

2 REMEDICATION, CLOSURE & TECHNICAL SERVICES BRANCH

3 MANAGER WALKER: This is a slide show on some of the
4 features.

5 The cost continued to escalate, as expected. We
6 were not able to get reassumption of the closure project.
7 The Board was faced with potentially assuming
8 responsibility, or lead responsibility, for making the
9 closure happen and completed. And we had estimated the
10 added cost for rebidding the project for the state, for
11 us, would be anywhere from 3.3 to over \$10 million more
12 than was in the current mechanism.

13 Also, the same drain corrective action, costs went
14 up to about -- estimated cost of about \$3.8 million. To
15 avoid the scenario, the Board approved the solid waste
16 cleanup program, up to \$4.2 million for the Phase D
17 remediation. And this allowed savings for the rest of the
18 closure project so that we could match the current cost
19 estimates and get the project done. And then also,
20 especially complete the remediation for Phase D.

21 We were also prepared to have to assist with the
22 storm drain corrective action. But fortunately, DTSC was
23 able to get the funding from the general fund to -- to get
24 that work done.

25 At the present time, I am pleased to report,

1 again, that most of the dark clouds are over -- over BKK,
2 have receded. I can't tell you that problems don't occur
3 now and again, and certainly expect more to occur. But
4 for the most time, the environmental performance is sound,
5 and we are in a reasonably good situation.

6 --o0o--

7 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

8 MANAGER WALKER: This slide shows kind of where we are
9 right now.

10 The slide in the upper left shows -- I won't get
11 into it. We don't have time. But it's an interesting
12 project on storm drain repair. But engineers like that
13 kind of stuff. So I will spare you that.

14 In March of 2006, DTSC handed off this critical
15 operations, that I mentioned, to a group of potentially
16 responsible parties under an Interim Settlement Agreement.
17 So that was a big, big, progress, big success there.

18 The storm repairs in the Phase D project were
19 completed, as shown in the slides. And also I'm happy to
20 report that the vinyl chloride emissions, they are
21 dropping. They are not totally where we want them, but
22 they have receded, and they are on the way down pretty
23 rapidly. And we should be below a general guidance level
24 fairly soon.

25 The closure project is also winding down. Most of

1 the project has been completed, not all of it. And it's
2 pretty much the same with the City's project. Final cover
3 is completed. We're supposed to get the certification
4 report for that component this week. But it's in good
5 shape. There's about \$1 million left in work to do under
6 closure, installation of some additional gas monitoring
7 probes, some expansion of some gas extraction wells,
8 fencing, and some additional drainage improvements.

9 We expect the full certification to be received in
10 the first or second quarter of '07. And at that time,
11 then post-closure maintenance will be initiated.

12 There's \$12.9 million in insurance company --
13 insurance fund to cover that, which was the cost of 30
14 years of post-closure maintenance. And BKK would do that
15 with their consultants so the Board will not have to step
16 in and do that.

17 To conclude, I would just like to especially thank
18 Garth Adams and Nancy Jestreby from the Financial
19 Assurance Section; also Steve Levine from the Legal
20 Office. They were especially integral in sharing the pain
21 on this case and also deserve tremendous credit. And also
22 I would like to thank Wes Minderman and Mike Wochnick too.

23 If you have any questions, I would be happy to
24 answer them.

25 CHAIRPERSON BROWN: Great job, Scott.

1 Any other questions?

2 MEMBER PEACE: I know this had been a long and
3 complicated project, but how much did the Board wind up
4 paying from their cleanup fund?

5 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

6 MANAGER WALKER: The ultimate cost to the goal was
7 about -- it was a little under \$1.2 million. Cost
8 recovery is being pursued in the form of a lien. Pretty
9 unlikely we're going to collect on that lien due to the
10 value problems of the property.

11 MEMBER PEACE: And how much did DTSC have to get
12 from the general funding?

13 REMEDIATION, CLOSURE & TECHNICAL SERVICES BRANCH

14 MANAGER WALKER: You know, I don't know the exact fund,
15 but it was definitely in the millions.

16 CHAIRPERSON BROWN: I think that's it.

17 Thank you again, Scott.

18 Okay. We are going to move forward to the consent
19 agenda at this time. And I will briefly go through the
20 agenda so everybody knows where we are on items. The
21 consent agenda is Items 2, 3, 8, 11, and 12. We will hear
22 items 1 and 14 on fiscal consent; Items 10 and 15 were
23 heard in committee only. Items 5, 6, 7, and 9 were
24 pulled; Items 4, 13, and 16 will be heard by the full
25 Board.

1 We're going to move to the consent agenda.

2 MEMBER MULÉ: I was going to move approval of this
3 consent agenda.

4 CHAIRPERSON BROWN: Is there a second?

5 MEMBER PETERSEN: I will second that.

6 MEMBER DANZINGER: I don't know when's the
7 appropriate time to request something be pulled from the
8 consent agenda. Is it after the vote? It would have to
9 be before; right?

10 I would like to pull Item 2 from the consent
11 agenda. I just have a quick question and comment,
12 something that I wanted to get clear in my mind.

13 CHAIRPERSON BROWN: Okay. We can pull Item 2 for
14 question. We can do that. If you just have a question,
15 we can pull it and entertain that agenda item and then
16 consider it for the consent agenda again.

17 MEMBER DANZINGER: Yeah, I don't know if it will
18 have bearing on what my vote is. So if it doesn't have
19 bearing on my vote I'm comfortable placing it back on
20 consent.

21 CHAIRPERSON BROWN: Okay. Well, then why don't we
22 move to -- Elliott, can I move directly to Agenda Item 2
23 and consider his question?

24 CHIEF COUNSEL BLOCK: Exactly.

25 CHAIRPERSON BROWN: I can do whatever I want, huh?

1 Okay.

2 Consent -- let's move briefly to Item 2.

3 And, Howard, Consideration of a Revised Full Solid
4 Waste Facility Permit for the City of Clovis Landfill in
5 Fresno.

6 DEPUTY DIRECTOR LEVENSON: Do you have a specific
7 question?

8 MEMBER DANZINGER: Well, I don't want to hold up
9 Board's business too much. I certainly don't want another
10 presentation. You know, I was here for the committee
11 meetings.

12 So whatever you feel we need is appreciable, I can
13 just go straight in.

14 CHAIRPERSON BROWN: Go ahead. Direct your
15 question.

16 MEMBER DANZINGER: You know, I -- I'm a bit
17 uncomfortable with -- with the item in the sense that the
18 item itself, the application itself meets the requirements
19 for state minimum standards. And then, you know, we're
20 being asked to approve this permit application for a
21 facility that's currently in violation of state minimum
22 standards.

23 And I understand that we have a long-term gas
24 violation in policy that clearly has bearing on this
25 application. So I don't necessarily take issue with the

1 action of the committee.

2 I guess my overall question is: Given this
3 particular situation, why we need to consider an
4 application that takes us beyond 2010, at which point the
5 tonnage of the vehicles start ramping up, all the way
6 through 2047, when you've got, you know, a state minimum
7 standard violation going back ten years?

8 I'm not sure if the intent of the policy, when it
9 was constructed, was for operators, to use that opening to
10 get a long-term permit, you know, while under an
11 exemption, while they are in violation.

12 So you know, I'm encouraged that they are making
13 progress. And frankly, I don't have anything to say to
14 them in terms of what else they should be doing. Because
15 it seems to me that they are doing everything that they
16 should be, they are getting their act together, and they
17 are moving in the right direction.

18 So I just wanted to hear a little bit more
19 discussion from anyone, Howard, members of the Board, on
20 this 2010 versus 2047 issue.

21 And I have one other minor question, but I will
22 hold off on that.

23 DEPUTY DIRECTOR LEVENSON: Mr. Danzinger, Howard
24 Levenson; Permitting and Enforcement.

25 I will start on that and probably ask Mark de Bie

1 to also assist me.

2 Two aspects that I would like to cover: First of
3 all, the Board did adopt regulations that became effective
4 in 2003, that allow for -- or set forth a certain number
5 of conditions that have to be met in order for a permit to
6 be considered, when there is an outstanding long-term gas
7 violation. So we have made all those findings, so as you
8 noted, we are able to recommend concurrence.

9 The project is a complex, large-scale project that
10 involves moving soil from an unlined cell into a lined
11 cell, replacing some, adding in new line cells. It's been
12 evaluated under CEQA and under local land use programming.
13 So it's really the local jurisdiction and the operator's
14 decision to go forth with a large-scale project, and the
15 local decision makers to either approve that or condition
16 that in some way.

17 Once it's passed through that series of screens,
18 including all the environmental documentation, and it
19 comes to us in the form of the permit application, we are
20 obligated to look at that in terms of does it comply with
21 all the requirements and the regulations, and it does.

22 So it's not really a direct answer to your
23 question, but there is a limited -- limited ability for us
24 to look at, and question, the initial project design or
25 the intent of that design.

1 MEMBER DANZINGER: Okay.

2 MEMBER PEACE: I think you have to realize in
3 committee, it frustrated the heck out of me too, to think
4 that there could be these long-term gas violations going
5 on for, you know, ten years.

6 And I think our Board staff in the beginning said,
7 you know, you really need a gas collection system. But we
8 let this go on and we let them take out the trash. Then
9 we'll let them, you know, buy surrounding property, then
10 we'll let them put in a passive gas system. None of those
11 things worked over ten years. Then finally they put in
12 the active system. And gee, in one year they can, you
13 know -- they should have done that thing ten years ago.
14 We wouldn't have had these problems. I guess this whole
15 thing just frustrates me on why we couldn't have insisted
16 they put in this gas collection system ten years ago.

17 Like I said, that gets into a whole other can of
18 worms.

19 MEMBER DANZINGER: Yeah, that is frustrating.

20 I was troubled by the -- I don't know if it was
21 the LEA who said if -- if my predecessor knew back then
22 what we know now, they would have done it differently.
23 The best as I can guess, here were other people, back ten
24 years ago, that were doing it right. So that didn't sit
25 very well with me.

1 But that aside, if this application is for 2010, I
2 will probably be perfectly fine with it. I'm just -- was
3 it ever contemplated on the policy or established that it
4 would be used by an operator to get a long-term permit
5 while they are under a violation? And I'm just trying to
6 get a sense of whether that's an issue.

7 I mean -- or should it not be an issue? I mean
8 that they are -- ask them to go to 2,000 tons per day
9 while they are in the violation as opposed to let's get a
10 permit for 2010. By then, a number of gas violations
11 problems under are control; it will be a non-issue. Then
12 we go for the long-term permit, having demonstrated to the
13 public and the Board and whoever, that this is a facility
14 that's got it together, and it's worthy of a long-term
15 permit application.

16 So I will set that aside for a second, because I'm
17 not sure that was contemplated. And I don't know how much
18 of a problem it really is.

19 Just one thing in the item, Howard, on Page 2-6,
20 it indicates -- and I guess this is referencing the -- you
21 know, the original policy adopted in '94. And it
22 mentions, among those things that, you know, would it
23 apply to and what has to be in effect, you know, good
24 faith no threat. And the last thing indicated there:
25 "And the LEA issued to the operator an enforcement order

1 to achieve compliance by a specified date."

2 Is -- in this particular case, would that refer to
3 the gas violations, or is that aspect of the policy
4 superseded by the regs that were adopted in 2005?

5 Because you know, they don't have an answer to
6 that in terms of -- I mean, there's no set date. And I
7 don't know that you can have a date considering the nature
8 of the problems that's being addressed. But I don't know
9 if that was a relevant aspect.

10 DEPUTY DIRECTOR LEVENSON: I believe you are
11 speaking to the first paragraph on the top of Page 2-6?

12 MEMBER DANZINGER: Yeah.

13 DEPUTY DIRECTOR LEVENSON: Well, first of all, the
14 LEA did order an enforcement order that did have
15 compliance dates.

16 We have two different --

17 MEMBER DANZINGER: That weren't met; correct?

18 DEPUTY DIRECTOR LEVENSON: Right.

19 We have two different processes that, you know, we
20 use to investigate those kinds of situations and, you
21 know, as I indicated in the committee, in hindsight, all
22 three parties, both the operator, the LEA, and we had
23 staff, you know, perhaps could have decided to do more at
24 one point in time. But we also are at now, where we have
25 an active gas system in place; it seems to be functioning

1 well. So I'm pleased that we are in that kind of
2 situation.

3 But we did evaluate the LEA as part of the formal
4 LEA evaluation cycle; covered the period, if I recall
5 correctly, of roughly 2003 and '04. One of the issues
6 that was noted in there was the lack of revising the
7 Clovis landfill.

8 We have a number of -- have had a number of
9 landfills on the inventory of solid waste facilities that
10 involve long-term gas violations.

11 The policy that was -- or the procedure, I should
12 say, that was adopted by the Board, back in the early '90s
13 was a way to try to get -- allow for permits to be revised
14 so that the LEA and the Board had a better ability to
15 determine what the condition -- the terms and conditions
16 were of the operation and have some mechanism of
17 enforcement, rather than letting them go on and on under a
18 1970s or 1980s permit.

19 That policy -- that procedure was questioned by
20 the Bureau of State Audits in the 2000 report. And we
21 subsequently worked with the Board to develop a set of
22 regulations that have nine different conditions -- I think
23 it's nine, might be ten. And those are listed on Page
24 2-7.

25 I don't recall, Member Danzinger, in the

1 discussions about that policy, whether there was any
2 consideration of the length of a revised permit. We
3 certainly could go back and look in the transcript, or
4 others may recall.

5 But there was a lot of back and forth over a
6 couple of years on that development of that regulatory
7 package and what kinds of conditions should be included in
8 it.

9 The other avenue that we have used, in this
10 particular situation, is what we call an 18350 letter,
11 which is a regulatory provision, wherein, if the Board
12 would get to the point -- if staff brought to the Board an
13 item and said, "We find that the LEA is failing to take
14 enforcement action," we could recommend different courses
15 of action for you to consider, including taking over a
16 partial function of the site, such as enforcement.

17 We did have lengthy discussions with the LEA and
18 the operator, starting about two years ago, about the
19 situation. I did end up sending a letter to the LEA -- an
20 18350 letter -- indicating that the submission --
21 enforcement action wasn't taken, that we would bring an
22 item to the Board. And in this year, several months ago,
23 there was a revised notice and order that was sent out
24 with new compliance dates. And ultimately those dates
25 were complied with, so we do feel that the LEA did take

1 appropriate enforcement action at that time.

2 And now it's before you, with a revised permit.

3 MEMBER DANZINGER: All right.

4 Well, I don't know if this goes all the way there.

5 But this, in my mind, gets a little bit too close to the

6 permit. This is a facility that was -- slacked off in

7 operation for years. And they just come in and -- I don't

8 want to put this back on consent, because I want to

9 register a vote of abstainment on this one.

10 CHAIRPERSON BROWN: That's fine; I have no problem
11 with that.

12 Okay. Well, at this time, we will strike Item 2
13 from the consent agenda and the agenda -- consent agenda
14 Items will be 3, 8, 11, and 12.

15 May I have motion?

16 MEMBER MULÉ: Madam Chair, I would like to move
17 the consent agenda as revised.

18 CHAIRPERSON BROWN: Is there a second?

19 MEMBER PETERSEN: Second.

20 CHAIRPERSON BROWN: It's been moved by Member Mul
21 and seconded by Member Petersen.

22 Can you recall the roll, Kristen?

23 EXECUTIVE ASSISTANT GARNER: Danzinger?

24 MEMBER DANZINGER: Aye.

25 EXECUTIVE ASSISTANT GARNER: Mulé?

1 MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT GARNER: Peace?

3 MEMBER PEACE: Aye.

4 EXECUTIVE ASSISTANT GARNER: Petersen?

5 MEMBER PETERSEN: Aye.

6 EXECUTIVE ASSISTANT GARNER: Brown?

7 CHAIRPERSON BROWN: Aye.

8 And we will move Item 2, to full Board
9 consideration following the fiscal consent items.

10 So we will move to the fiscal consent agenda. And
11 I would like to offer Committee Chair Mulé an opportunity
12 to make a Committee report.

13 MEMBER MULÉ: Thank you, Madam chair. We heard
14 three permitting items at our Permitting and Enforcement
15 Committee, two of which will be forwarded now, to the full
16 Board, for consideration.

17 We also heard consideration of grant award for the
18 Farm and Ranch Solid Waste Cleanup and Abatement Program.
19 And we should be hearing that item immediately following
20 this report.

21 And that concludes my report. Thank you very
22 much.

23 CHAIRPERSON BROWN: Thank you. We will move to
24 Fiscal Consent Item No. 1. And Howard Levenson?

25 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

1 This is consideration of the grant awards for the
2 Farm and Ranch Solid Waste Cleanup and Abatement Grant
3 Program for the fiscal year 2006/2007. I will just give
4 you a very abbreviated presentation. Basically this item
5 is requesting your approval of two grants, totalling some
6 \$84,788 for the second quarter of this fiscal year for the
7 program.

8 The grants would cover -- include \$13,000 and some
9 change for the Yuba county Resource Conservation District,
10 to clean up an orchard in Yuba County. And then
11 \$71,000 -- 710 -- \$71,710 to Imperial County to clean up
12 two illegal disposal sites in that county.

13 At the committee meeting, just so you know, we do
14 have a list of previous year's grants. And we will
15 include that kind of information in future farm and ranch
16 items for your -- for your background information.

17 But with that, staff recommends Option 1,
18 approving the proposed awards and adopting Resolution No.
19 2006-215.

20 CHAIRPERSON BROWN: Thank you, Howard.

21 Do we have any questions?

22 Can I have a motion?

23 MEMBER MULÉ: Madam Chair, I would like to move
24 Resolution 2006-215.

25 MEMBER PEACE: Second.

1 MEMBER PETERSEN: I would second that.

2 CHAIRPERSON BROWN: It's been moved by Member Mul
3 and seconded by Members Peace and Petersen.

4 Kristen, can you recall the roll?

5 EXECUTIVE ASSISTANT GARNER: Danzinger?

6 MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT GARNER: Mulé?

8 MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT GARNER: Peace?

10 MEMBER PEACE: Aye.

11 EXECUTIVE ASSISTANT GARNER: Petersen?

12 MEMBER PETERSEN: Aye.

13 EXECUTIVE ASSISTANT GARNER: Brown?

14 CHAIRPERSON BROWN: Aye.

15 That motion passes.

16 And we next move to Fiscal Consent Item No. 14 and
17 offer Committee Chairperson Petersen an opportunity for
18 committee report.

19 MEMBER PETERSEN: Thank you, Madam chair.

20 We have two planning items on consent; one was the
21 City of Parlier. We were rescinding their previous
22 approval for rural reduction because they have
23 consistently surpassed the 50 percent diversion goal
24 level, which is a really good job.

25 And we -- I put a good faith effort by the Lassen

1 Regional Authority in Modoc County, which we learned,
2 during committee, it's still a part of the frontier.

3 And we also had a lengthy discussion about
4 noncompliant state agencies. And staff has prepared a
5 revised resolution for our consideration today.

6 On our fiscal consent calendar, Item 14 includes
7 funding for a green building pavilion for three major
8 expositions we're doing next year.

9 And lastly, we had a revised and comprehensive
10 lengthy presentation on collaborative film plastic
11 activities.

12 And that concludes my report.

13 CHAIRPERSON BROWN: Thank you.

14 So I will move to Item 14.

15 John Smith?

16 ACTING DEPUTY DIRECTOR SMITH: Yes. Good morning,
17 Chair Brown and Board Members.

18 For the record, I'm John Smith, the acting deputy
19 director for Waste Prevention and Market Development.

20 Board Item 14 is the Consideration of Proposed
21 Projects for Allocated Funds for Market Development and
22 New Technology Activities for Waste Tires.

23 The five-year tire plan allocates \$650,000 in tire
24 funds, each year, to assist in developing new tire impacts
25 and for new technology of solid waste tires.

1 This item proposed funding two projects from that
2 allocation for a total of \$85,000. The two projects are
3 contract funding of \$10,000 to provide formal peer review
4 of the draft; final report for the tire-derived resilient
5 flooring study.

6 The second project is \$75,000 to provide booth
7 space and construction of a pavilion for promoting
8 tire-derived products at three premier green building
9 events in California.

10 This item was heard in the Sustainability and
11 Markets Committee on Tuesday, and it was placed on fiscal
12 consent.

13 Staff recommends that the Board approve Option 1,
14 including the two projects, for a total of \$85,000, and
15 adopt Revised Resolution 2006-224.

16 Any questions?

17 CHAIRPERSON BROWN: Thank you, John.

18 Are there any questions from any of the Board
19 members?

20 May I have motion?

21 MEMBER PETERSEN: Madam Chair, I would like to
22 move Resolution 2006-224 --

23 MEMBER PEACE: Second.

24 MEMBER PETERSEN: -- Revised.

25 CHAIRPERSON BROWN: -- Revised.

1 It's been moved by Member Petersen and seconded by
2 Member Peace.

3 Kristen?

4 EXECUTIVE ASSISTANT GARNER: Danzinger?

5 MEMBER DANZINGER: Aye.

6 EXECUTIVE ASSISTANT GARNER: Mulé?

7 MEMBER MULÉ: Aye.

8 EXECUTIVE ASSISTANT GARNER: Peace?

9 MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT GARNER: Petersen?

11 MEMBER PETERSEN: Aye.

12 EXECUTIVE ASSISTANT GARNER: Brown?

13 CHAIRPERSON BROWN: Aye.

14 Okay. As subcommittee chair for the Special Waste
15 Committee, I will briefly give a report, just to
16 congratulate Jim Lee and Todd Thalhammer on a great
17 presentation to our committee on the final status of the
18 cleanup of the Tracy tire fire. Phenomenal job.

19 We got video presentations and all kinds of great
20 news about the cleanup. And Jim, great job. And our
21 kudos to Todd for sticking with it for all this time, and
22 doing just a phenomenal job, cleaning that up.

23 We will move at this time to -- let's see, where
24 am I? -- Item 2. We will move back to Item 2.

25 I don't know if there are any further questions or

1 discussions regarding this item; if we need to present it
2 or if we can just move for a vote?

3 MEMBER DANZINGER: I'm not requesting any further
4 discussion on it.

5 CHAIRPERSON BROWN: Okay. Anybody else?

6 Can I have a motion on Agenda Item 2?

7 MEMBER MULÉ: Do we have the resolution number?

8 CHAIRPERSON BROWN: Yes, 2002-206 [sic].

9 MEMBER MULÉ: Madam Chair, I would like to move
10 2006-206.

11 CHAIRPERSON BROWN: Can I have a second?

12 MEMBER PEACE: Second.

13 CHAIRPERSON BROWN: It's been moved by Member Mul
14 and seconded by Member Peace.

15 Kristen, can you call the roll on Item 2?

16 EXECUTIVE ASSISTANT GARNER: Danzinger?

17 MEMBER DANZINGER: I see no legal or permitting
18 basis for voting on concurrence. I'm registering a vote
19 of abstain.

20 EXECUTIVE ASSISTANT GARNER: Mulé?

21 MEMBER MULÉ: Aye.

22 EXECUTIVE ASSISTANT GARNER: Peace?

23 MEMBER PEACE: Even though I was frustrated with
24 this also, I hope that in the future we can be more
25 aggressive when it comes to situations like that.

1 Aye.

2 EXECUTIVE ASSISTANT GARNER: Petersen?

3 MEMBER PETERSEN: I think I have to go along with
4 Member Danzinger and abstain from this vote.

5 EXECUTIVE ASSISTANT GARNER: Brown?

6 CHAIRPERSON BROWN: Aye.

7 The Board does not have four votes to deny this
8 permit. It will go forward without a majority; is that
9 right?

10 Elliot, can you please state exactly how this
11 moves forward without four votes to deny or concur?

12 CHIEF COUNSEL BLOCK: Certainly.

13 Board Statute Section 40410 requires four votes
14 for any action by the Board. Therefore, there was no
15 action by the Board on this matter.

16 However, Section 44009 provides that if the Board
17 does not act on a proposed permit within 60 days, it is
18 deemed to be approved.

19 So in the case of this particular permit, as of
20 December 31st, 2006, the Board will not take an action.
21 It will be deemed to have been approved.

22 CHAIRPERSON BROWN: Thank you for putting it much
23 more eloquently.

24 Okay.

25 Now, we will move to Item 4. Consideration of a

1 Revised Full Solid Waste Facility Permit for Potrero
2 Hills.

3 And I will ask Howard Levenson to make the
4 presentation.

5 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

6 Howard Levenson with Permitting and Enforcement.

7 And I would like to make a presentation. Since we
8 heard so much testimony in the committee, I would just
9 like to summarize very briefly what the project proposal
10 is, and the status -- staff's current recommendation on
11 this item.

12 You should have received, yesterday, last evening,
13 a revised item via the BOD system.

14 And then this morning, we are passing out -- and
15 it's also available at the back in the room, for the
16 public -- a table that had the list of questions from
17 Ms. Guidotti's testimony on Monday. And at least our best
18 attempt to try and address those questions, for your
19 consideration.

20 So given that, the item.

21 The item before you does consider a revised full
22 solid waste facilities permit for the Potrero Hills
23 Landfill in Solano County. The landfill is owned and
24 operated by Potrero Hills Landfill, Inc., which is a
25 subsidiary of Public Services.

1 The operator is proposing to make the following
2 changes to the landfill operations: To count, for
3 purposes of the permitting tonnage limit, only the waste
4 materials that are disposed. This will continue to be
5 3400 tons per day averaged out over any seven days; and a
6 peak of 4330 tons per day.

7 Should note that other materials that come across
8 that gate that might be used for recycling or other
9 beneficial use purposes are allowed, but they are limited.
10 The extent of their tonnage is limited by the number of
11 vehicles that cross the gate, which is 1,000 vehicles per
12 day.

13 The revised permit would also allow for the
14 acceptance of biosolids with over 50 percent moisture
15 to -- up to 250 tons per day, averaged over seven days.
16 And it would change the hours of operation, basically, to
17 a 24 hours per day, Monday through Friday; 20 hours a day
18 on Saturday and Sunday; with the site being closed from
19 midnight to 4:00 a.m. The hours of the site is open to
20 the public, though, would not be changed.

21 I mention that you had -- you have received a
22 revised item that reflects staff's recommendation and
23 there are revisions on Pages 1, 4, and 7 as well as
24 Attachment 4.

25 At the committee, staff made all of the findings

1 necessary for concurrence in the permit with the exception
2 of the litter violation that has been noted on pre-permit
3 inspection.

4 I would like to indicate that this is not a
5 black-and-white situation with this litter violation.

6 As noted on Page 4-4, towards the bottom of the
7 revised text, staff has not been able to determine which
8 landfill activities are contributing to the litter,
9 whether it's from on-site or whether from truck traffic
10 coming up the road.

11 Subsequent to the inspection that our staff
12 conducted, the operator did submit documentation
13 indicating that the operator cannot access the property of
14 concern in order to remove the litter.

15 In addition, after committee, we also received
16 proposed measures from the operator that would further
17 prevent litter migration from the trucks that are
18 accessing the site.

19 So based on these considerations, staff has found
20 that the operator is in compliance with state minimum
21 standards; and therefore recommends that the Board concur
22 with the proposed permit and adopt Resolution 2006-216.

23 This concludes my overview presentation. The
24 operator is here, and the LEA is also present to answer
25 any questions, if you have any.

1 Thank you.

2 CHAIRPERSON BROWN: Thank you, Howard.

3 Do we have any questions for staff before we move
4 to any public testimony?

5 MEMBER PETERSEN: Madam Chair, I would like to
6 make a statement. Is this an appropriate time to do that,
7 or should we wait?

8 CHAIRPERSON BROWN: Actually, probably, if it's
9 just a statement, not questions, why don't you hold off
10 until after public testimony.

11 MEMBER PETERSEN: Okay. Thank you.

12 CHAIRPERSON BROWN: Before we hear public
13 testimony on this item today, I would like to set a couple
14 of ground rules. We've heard a lot of testimony regarding
15 proposed revisions to this project over a course of two
16 public hearings.

17 A good part of that testimony has related to
18 matters that are not within the jurisdiction of this Board
19 or relate to future plans for this site, that are not
20 limited to the permit before us.

21 While I appreciate the concerns that have prompted
22 these comments, they are not actually relevant to the
23 decision that is before us today. Therefore, I want to
24 remind those of you that will provide public testimony to
25 limit your comments to the facts that might be pertinent

1 to our limited decision today.

2 For example, issues that would not -- that would
3 not be relevant would include comments regarding Phase 1.5
4 or 2 of this project, any land use decisions, waste flow
5 between counties, air or water impacts, marshland
6 protection that's under the jurisdiction of VCDC. All
7 those items are with the jurisdiction of other agencies,
8 and your comments regarding them should be addressed to
9 those agencies and cannot form the basis of our decision
10 today.

11 I would like to request that each of the -- those
12 speaking, keep your comments to three minutes. And I will
13 request and bring you up in the order in which your
14 request was provided to Kristen.

15 The first person requesting to speak is Lorraine
16 McKee.

17 If you could restate your name and spell it for
18 the record.

19 MS. McKEE: I'm Lorraine McKee. I'm a retired
20 physician, and I live at 348 Forest Highlands Drive in Rio
21 Vista. I'm speaking, basically, as a private citizen.

22 And the only comment that is not eliminated by
23 Ms. Brown's discussion is that, in the subcommittee
24 hearing on 2/5, Mr. Burch stated that a hundred [sic]
25 trips a day has already been approved, and that the

1 current number of trips is approximately 750 trips a day.

2 So allowing "not counting recyclables" would not
3 increase the traffic, but it would increase the traffic.
4 If you bring in more tons of goods, either the numbers of
5 loads must increase, or the loads must increase in size.

6 Either of those options increases congestion and
7 air pollution, which we're not supposed to mention.

8 The status of the roads into the landfill may
9 limit the numbers of loads or the size of loads. Is it
10 true that this road must be upgraded and more drains
11 placed to increase the numbers of vehicles beyond 750 a
12 day?

13 The weight of the trucks and the numbers of the
14 trucks not only contribute to trash along the roadsides,
15 but they damage the roads, many of which are not highways,
16 but two-lane country roads; for example, so called Highway
17 12, Highway 160, and 113. Even the Highway 680, 80, and 4
18 are not in good condition.

19 Not only is a tipping fee charged, by Republic,
20 very low, but the fee charged by Solano County is the
21 lowest in the area, and increasing it to the level of most
22 of the surrounding counties would provide money for
23 improvement of the roads, policing, etc.

24 CHAIRPERSON BROWN: Thank you very much.

25 June Guidotti?

1 Let me briefly -- Howard, did you want to briefly
2 respond to the permit that it currently exists with the
3 thousand cars per day as approved?

4 DEPUTY DIRECTOR LEVENSON: Certainly, Madam Chair.

5 As the operator testified on Monday, there's
6 approximately -- I can't recall the exact figure, but 700
7 or so vehicles per day, currently accessing the site on
8 average. The permit would allow up to 1,000 vehicles per
9 day, and that is covered by the Environmental Impact
10 Report.

11 So it's true that there will be an increase in
12 traffic. That is contemplated by the environmental review
13 and the permit conditions.

14 CHAIRPERSON BROWN: Thank you. Ms. Guidotti?

15 MS. GUIDOTTI: You just stated, Madam Brown or
16 Chairman and Commissioners, you just stated you wanted to
17 comment on what? You said that there was traffic coming
18 in or something, you just said to state on?

19 CHAIRPERSON BROWN: No. Mr. Levenson answered
20 Ms. McKee's question regarding the testimony on Monday.

21 MS. GUIDOTTI: In my letter and in my presentation
22 of the Permitting and Enforcement Committee meeting on
23 November 4th, 2006, I asked the Board question on the
24 proposed project, and it's my understanding that your
25 staff is working on a response for me today.

1 At the meeting, I stated that the proposed permit
2 should be denied as litter from the landfill facility and
3 the entry roads are a nuisance. And the year of the LEA
4 and CIWMB inspection reports show a chronic pattern of
5 litter issues and violations.

6 The demonstration to me of the operator is unable
7 to control the litter at the source, as required under the
8 State Minimum Standards. It is my understanding that the
9 Board cannot conclude on the proposed permit without an
10 outstanding State Minimum Violations.

11 As you know, my family has owned our property for
12 approximately 90 years. Before Solano Garbage Company and
13 Potrero Hills Landfill existed, I can assure you, my
14 family's property did not receive nuisance levels of
15 litter, prior to the opening of the landfill.

16 I have a picture to show you of our property,
17 prior to the siting of either landfill.

18 You -- you will note, no litter.

19 The litter is also an environmental hazard to the
20 wildlife and agriculture and animals within the Suisun
21 Marsh. A cow only has to eat one plastic bag to suffocate
22 and die.

23 Appendix X, for which is out of the JT -- Joint
24 Technical Document, dated June, 2006, describes an
25 extensive litter control program that the landfill is

1 required to implement; Page 1 attached, what I gave you.

2 This includes the pickup of litter on the entry
3 road as well as Highway 12. Yet with all these controls
4 being implemented, litter is still deposited on my
5 property. It should be noted that the litter collection
6 program requires all the landfills that were actually
7 expanded into the use permit adopted last year on Highway
8 12 by the County.

9 The County wouldn't have the landfill expansion --
10 their litter pickup if there was no litter present, as it
11 costs money. In case you think I'm the only neighbor
12 concerned about the litter, I reference you and your staff
13 to the CEQA document and testimony before the Planning
14 Commission and Board supervisors.

15 Lois Toddison [phonetic], my neighbor to the east,
16 identified many issues of concern during the process and
17 including the potential for increased litter from the
18 landfill -- increased their hours to 24 hour day. See
19 attached letter. It's in your packet.

20 One of my concerns is the 24-hour operation.
21 Highway 12, on to Skelly Road is below sea level.

22 And it is dangerous, during daylight as well as
23 the fall and the nighttime conditions. They have -- they
24 [sic] have been lives lost and numerous accidents in the
25 daylight. Attached is the current Highway Patrol

1 Collision, by beat, reported on January 1st, 2006,
2 December 5th, 2006.

3 Finally, I have concerns with the stop work order
4 filed for the activity on the Ditmore property,
5 intertwines with the bypass road for Potrero Hills
6 Landfill, and the LEA has not responded to my requests for
7 assistance and information.

8 I think your staff has done the right thing in
9 giving the litter violation to the landfill, and you
10 should uphold the State Minimum Standards and deny the
11 permit.

12 Now, I have -- Lorraine, if you would help, here.
13 Okay. This is the Suisun Marsh. This is Highway 12.
14 This is the secondary management area.

15 When the trucks come in Highway 12, and turn and
16 go in here and go up over this landfill, I saw, on the
17 internet last night, that the -- they are proposing --
18 this litter program where they want to take and cover
19 their trucks. Anything south of Highway 12 is protected
20 by the Suisun Marsh under the Protection Act.

21 It doesn't matter where in here it is. It doesn't
22 matter who's going to control it: Fish and Game, you,
23 anybody, anything below is -- this map is registered with
24 the Archives from Dick Fazio. You have to sign to get it.

25 Now, if they proposed to come in here and tarp

1 their trucks, and come over the old road here, they can't
2 do this because Ricardo put a taco truck out here. People
3 coming off the Highway 12, they are all buying tacos and
4 everything. There's accidents. They are blocking the
5 signs. You can't get in and out. It was a disaster. I
6 called the Highway Patrol; Ricardo kept doing it. He put
7 a porta-potty there; you can't sell tacos without water or
8 bathroom. He put a port-potty there.

9 Then, on top of it, he had enough pull with the
10 Highway Patrol -- it was Caltrans that owned the land that
11 the taco truck was on, so he had to leave.

12 Now, how are you going to put in here -- I would
13 like Duane Kromm to come up here and show me, on the
14 Grizzly Island Bridge, where the ponds are that you have
15 proposed -- could you come up, Duane.

16 You are putting ponds --

17 CHAIRPERSON BROWN: Ms. Guidotti, you need to keep
18 your testimony to the issues that are before us today.

19 MS. GUIDOTTI: It is before you, because it's
20 intertwined.

21 The LEA failed to identify all these problems.
22 And I request that you send it back to them; okay?

23 It's not -- this is to be protected. We're not to
24 put parking lots here and stuff down here. It's called
25 the Suisun Marsh.

1 Thank you.

2 Also, in your JTD, that he put in, his litter
3 control problem, and the JTD Annex X. This picture here
4 is when they used to pump the water over the road, and you
5 have to drive through this, so you need a 401.

6 This picture here is what the Suisun -- what it
7 looked like before they had to take it out.

8 And as far as my litter coming off site, this
9 picture here is what my hills look like; okay? This is
10 what my hills look like. And then this is one that's
11 down, looking at my house; okay? This is ongoing for 20
12 years.

13 And then I can show you, before we go to court,
14 this is what it looks like with no litter, three months
15 before.

16 You have taken pictures after pictures after
17 pictures. I have come before this Board for help, and you
18 go to your records and you will see that it's still
19 ongoing. And it comes from the landfill as well as from
20 the trucks.

21 Thank you.

22 CHAIRPERSON BROWN: Thank you very much,
23 Ms. Guidotti.

24 Next speaker is David Isaac Tam.

25 MR. TAM: Chairman Brown, Members, and special

1 acknowledgment to an old champion of the -- he's not old,
2 but the champion of the recycling movement of Board Member
3 Gary Petersen. I was awaiting with bated breath what he
4 was going to say after our testimony. And I was wondering
5 if it would be pertinent to our testimony.

6 In any case, with respect to your Brown rule,
7 Chair, I must respectfully demur with respect to one
8 agency, whether or not there is another agency other than
9 yours, that has oversight over the question of intracounty
10 waste flows.

11 It's not clear that there is statutory authority,
12 except in the general sense, that the California
13 Integrated Waste Management Board is the lead agency to
14 concern itself about matters such as the attainment of the
15 goals of the California Integrated Waste Management Act.

16 And I think the intracounty waste flows and the
17 price differentials between landfills are a very big part
18 of that picture.

19 As you and perhaps the other members of the Board
20 know, Kelly Smith, an attorney in private practice in
21 Sacramento, yesterday faxed and e-mailed a notification
22 that a group which I am involved in, Sustainability,
23 Parks, Recycling, and Wildlife Legal Defense Fund, is
24 going to appeal to the local enforcement agencies to
25 essentially look at its performance or as we posit, its

1 lack of adequate performance. And I have provided copies
2 for the Board. And I can make copies available to other
3 people in the audience, if they are interested in that.

4 I have two other concerns that I would like to
5 bring up: One is that on the permit that's on, I believe,
6 page -- in the agenda packet, it's the face page of the
7 Solid Waste Facility Permit with respect to sludge, where
8 there's a maximum 250 tons per day for disposal, if it
9 exceeds 50 percent moisture. What is the -- is there any
10 limit if the sludge does not exceed 50 percent moisture?

11 I think that's something that we would need to
12 know because, of course, sludge generators could deem
13 water below than 50 percent moisture content level and
14 fall from, goodness knows, how far away I did calculate
15 some numbers based upon the idea that it will be a
16 one-to-five ratio for this. And you could basically be
17 looking at -- I mean, I'm just conjecturing. I really
18 don't know how that other number that I'm asking for would
19 be arrived at, but I believe your staff should be
20 responding to this question as to what is the -- what
21 would be a limit of sludge, if the water was below
22 50 percent content?

23 The second has to do with -- I'm given to
24 understand that this agency, as part of the governor's
25 Climate Action Team has two goals: One is attainment of

1 the AB 8939, 50 percent goal statewide; and the other is
2 an unqualified reduction in methane gas emissions. Now,
3 this is a relatively old landfill. It's been going on
4 since, I believe, 1986; it's about 20 years now. It's
5 getting to the point where it's beginning to feel its age
6 in terms of gas generation. And I would like to know if
7 there are -- what gas monitoring arrangements there are in
8 place, in this facility, under this permit.

9 Thank you.

10 CHAIRPERSON BROWN: Thank you very much.

11 Howard, do you want to briefly respond to the two
12 items?

13 DEPUTY DIRECTOR LEVENSON: Sure. And I would also
14 indicate that the operator and the LEA may be able to
15 provide more details on some of this.

16 But my initial response to Mr. Tam's question
17 about the sludge, would be that if there was any sludge
18 coming in that was under the 50 percent moisture limit,
19 it's certainly going to have to either -- if it's being
20 disposed, it would be part of the tonnage that is coming
21 in, and there's a tonnage limit on disposal.

22 If it was going to be reused in some way, for
23 example, as alternative daily cover, it would have to meet
24 the technical limits for application of ADC. And there's
25 also a limit on how much sludge can be used -- statutory

1 limit on how much sludge can be used as cover. And again,
2 it would be covered by the vehicle limit in terms of how
3 much total material can come into a site. There can only
4 be as much as -- can be up to 1,000 vehicles per day.

5 On the issue of methane emissions, certainly this
6 landfill, one of the issues that we look at is whether it
7 has adequate gas monitoring systems in place. And you
8 know, we have deemed that that's -- those are adequate.

9 We can speak -- we could ask the operator to
10 discuss more in terms of what the current gas control
11 systems are, in terms of flaring and landfill gas to
12 energy and so on or whether they have any plans.

13 But this site has to meet, you know, state
14 standards for monitoring and compliance relative to
15 methane emissions.

16 CHAIRPERSON BROWN: Thank you, Howard.

17 Do you have a brief follow-up question?

18 MR. TAM: Yes. It's something that I only
19 realized it when I had a chance to look at the revised
20 packet.

21 On Monday, I asked the question that had to do
22 with what the regulatory philosophy was of the LEA of
23 Solano County, with respect to the daily limits on the --
24 whether they are going to be on the average or seven-day
25 average of a 3400 tons per day or the peak allowed at

1 4330.

2 And so in the meantime, in fact, I pencilled it on
3 Kelly Smith's letter to you. It was quite a range of
4 difference there, in annual tonnage that would be
5 permitted.

6 And I don't believe that the LEA or the LEA to
7 staff has supplied an answer to the question of
8 basically -- of a -- really enforcing primarily on the
9 peaks or on the seven-day average.

10 CHAIRPERSON BROWN: Well, we can't respond to the
11 regulatory philosophy of the LEA. But we can give them an
12 opportunity to answer that, if time permits.

13 MR. TAM: Today. Would today be possible?

14 CHAIRPERSON BROWN: Is the LEA here?

15 MR. TAM: Thank you.

16 CHAIRPERSON BROWN: State your name for the
17 record, please.

18 MR. SCHMIDTBAUER: Terry Schmidtbauer, Solano
19 County LEA.

20 Basically, the way the permit is written, there's
21 a daily limit and a seven-day limit as well. We will
22 enforce on both the seven-day limit as a rolling average.
23 I think that might be creating some confusion. But
24 actually, that is a more probative method of looking at
25 it.

1 If there's a peak that comes in on one day, say on
2 Friday, it just doesn't disappear. If you are looking
3 Monday through Sunday, but rather that stays through the
4 following Friday. So we will enforce both on the daily
5 peak as well as the monthly average.

6 CHAIRPERSON BROWN: Thank you very much. I
7 appreciate it.

8 Got it.

9 Thank you.

10 Our next speaker is Duane Kromm.

11 MR. KROMM: Good morning. My name is Duane Kromm.
12 I'm Solano County supervisor for District 3.

13 Thank you, Chair Brown and Board Members and staff
14 members. You have had a series of hearings on this
15 landfill. It's been contentious. You had one hearing in
16 Solano County. We very much appreciate that. And of
17 course, it's always good to see our new state senator from
18 Solano County, our Former State Assemblywoman, Pat
19 Wiggins. It's good to see Pat here again today.

20 The Potrero Hills landfill is in my district.

21 The vast majority of Suisun Marsh is in my
22 district. As you well know, the various permutations of
23 the Potrero Hills Landfill expansion plan are all very
24 contentious. You have been hearing this a lot.

25 I think there's two fundamental problems that this

1 agency is the appropriate one to deal with.

2 First, historically, areas like Suisun Marsh, like
3 many sloughs and marshes, are viewed as desirable dump
4 sites. In Solano County, the Fairfield-Suisun Sewage
5 Treatment Plant used to dump their -- their solids out on
6 an area called Pierce Island, just south of the existing
7 Suisun City harbor. Suisun City's harbor itself was once
8 an incredibly foul, dirty oil and gas hauling site. And
9 you may have seen old pictures of it. And the original
10 dump was sited -- the original dump that preceded Potrero
11 Hills Landfill was sited on the northern edge of the marsh
12 within the Secondary Management Zone of Potrero Hills.

13 And over time, I think we've all come to realize
14 that sloughs, marshes, and wetlands represent some of our
15 most treasured lands. They are the incubator and the
16 haven for protected spaces and for migratory waterfowl.

17 Suisun City recognized the potential for their
18 harbor and they moved out the incredibly foul operation of
19 hauling oil and gas operations, and now have a sparkling
20 new harbor. It's a centerpiece for downtown
21 revitalization.

22 The Fairfield-Suisun Sewage Treatment Plant
23 stopped hauling their spoils to Pierce Island. And it's
24 been abandoned site, being reclaimed, for environmental
25 purposes, for many years now.

1 And the last issue we're dealt with, in Suisun
2 Marsh, is the Potrero Hills Landfill. And maybe we're
3 hearing that.

4 I suggest that you -- that it would be wise to
5 start planning it, to close Potrero Hills Landfill, not to
6 expand it.

7 I know that this will be challenging, but it's
8 clearly time to stop viewing the largest brackish marsh in
9 the continental United States as a dump site.

10 The second fundamental problem that I think we
11 have with this site of Potrero Hills Landfill is that it
12 has rapidly become a regional landfill. You clearly know
13 the issues, much more than I do, of what's been going on
14 in the region.

15 At the time the original permits were granted, I
16 don't think anyone envisioned the growing traffic
17 congestion that we would see on Highway 12, Highway 80,
18 the 80-680 interchange.

19 On Tuesday, our Board meeting this week, we had a
20 special presentation on Highway 12. We're averaging three
21 fatalities a year on Highway 12; not just accidents, but
22 deaths. Highway 12 has become a death trap.

23 And many of the trucks obviously that come to
24 Potrero Hills Landfill, all of them actually use Highway
25 12. But a large number of them run the full length of

1 Highway 12, from Rio Vista to the dump site.

2 And then the potential for 24-hour operations; I
3 don't think that was envisioned when the original dump was
4 sited. And again, with the wildlife -- with the wildlife
5 that is both temporarily in the marsh for waterfowl and
6 the endangered species and protected species that are out
7 there, of a 24-hour operation, I don't think it's been
8 adequately evaluated for what that does for the long-term
9 health of the wildlife in the marsh.

10 And again, I would suggest that your agency is the
11 appropriate agency to take a look at state and regional
12 levels of what's required for landfill operations, for
13 landfill capacity, and then Potrero Hills Landfill
14 situated in Potrero Hills within the Secondary Management
15 Zone of Suisun Marsh is not the appropriate place for a
16 growing landfill.

17 I don't think it's in any of your official
18 documentation for the growth plans. But clearly, the land
19 that's been acquired for Potrero Hills Landfill is not a
20 five- or ten- or a 20-year expansion plan. It is a 50 to
21 a hundred year plan. They have acquired vast acreage that
22 will -- that will just keep continuing to become a
23 growing, both vertical and horizontal, landfill as time
24 goes by. Again, in the largest brackish marsh of the
25 United States, I don't think that is appropriate, and I

1 would hope you will consider that.

2 Thank you.

3 CHAIRPERSON BROWN: Thank you, Supervisor.

4 Your next speaker is George Guynn.

5 MR. GUYNN: Good morning, Chairperson and Board

6 Members. My name is George Guynn. I'm a 20-plus year

7 resident of Suisun City. I live somewhere around 3 miles

8 from the landfill.

9 I think there really are a lot of issues that
10 point towards the landfill needing to be closed, as
11 supervisor Kromm mentioned, just before me.

12 Probably the biggest issue is the proximity to the
13 marsh. At the Committee meeting on Tuesday, it was
14 brought out that the landfill has 635 violations for
15 litter in the last year.

16 They have had 20 years to get their act together.
17 The best excuse they could come up with was it was local
18 citizens that don't know the rules. I found that really
19 astounding. I really think that there must be another
20 explanation; that doesn't sound very credible to me.

21 Also, there is a request, I believe, in their
22 latest permit to, you know, avoid moisture in the
23 biosolids. I'm just curious as to how well this is going
24 to be monitored. If it turns out like it has for the
25 plastic bags, I think they can pretty well do whatever

1 they want to do. And I think that's really not the way
2 things should be. And I'm sure it's not the intent of
3 this Board to let that happen. I would really hope that
4 you guys can do something to stop this.

5 And I'm really glad that David Tam has got an
6 effort to put a stay on the decision on this. Until the
7 landfill gets their act together, I don't think that they
8 need to be able to proceed with further expansion.

9 I just look at the amount of land that they own.
10 You can see that they will continue to make this a
11 regional landfill, and it -- it's not going to benefit
12 anybody but the landfill, and it needs to be stopped.

13 Thank you.

14 CHAIRPERSON BROWN: Thank you very much,
15 Mr. Guynn.

16 And our last speaker is Kevin Finn.

17 MR. FINN: Good morning. My name is Kevin Finn.
18 I'm the area president for Public Services of the Potrero
19 Hills Landfill; it's one of the companies that we manage.

20 First, I would like to thank the Board for taking
21 time, once again. We put a lot of pressure and a lot of
22 time on the staff.

23 Briefly, we focus our modification request on two
24 items, basically. And I think 24-hour operations, of the
25 landfill, versus the 20, because this opens up a nighttime

1 shift, and the customers that use the landfill and get
2 their vehicles off the road and a lot of traffic during
3 the day and use the -- use the roads into the evening.

4 THE REPORTER: Speak closer to the microphone,
5 please.

6 MR. FINN: And the second modification is -- is
7 what tonnage comes in the site that we count towards the
8 cap. And this modification will help us and focus more on
9 our diversion in the recycling and composting activities.

10 At our meeting on Monday, we had a lengthy
11 discussion on litter and specifically litter that comes
12 off of customers' vehicles as they come in to the
13 landfill; had recognized some time ago that that was a
14 problem. And we instituted a program to try and reduce
15 that and we require that the loads be tarped and we
16 checked them when they came in and we fine. And we had
17 discussions with violators. And along with that program,
18 we put signs at the entrance of the landfill. And a lot
19 of the citizens and public that use our facility -- use
20 that because part of the program in the areas give coupons
21 for free cleanups to the local citizens. And on those
22 coupons, we have -- include language and basic
23 documentation on why you need to have those loads covered
24 before you bring them in.

25 But we still inspect them. And I mentioned at the

1 meeting on Monday that, you know, over the year, we have
2 almost 650 times that people have brought in equipment
3 that weren't properly tarped and covered. And we went
4 back and we looked at those numbers, trying to find what
5 the real issue was. And that was 650; close to 50 were
6 what we call "regular customers"; they were the large
7 trucks or the local hauling customers. That's a pretty
8 small number. That's less than one a week. And the
9 majority of those were those that were tarped but not
10 tarped properly, having a tear in the tarp, and they are
11 fined. And their company was contacted.

12 And that's how really -- what our problems come
13 from. Our problems really come from the one-time cleaning
14 out the garage, hand out the coupons; it's a good day,
15 let's load all the stuff and drive it to the landfill and
16 use a coupon. And we have language on the coupon.
17 There's a sign at the gate. But we continue to have those
18 issues. And we sense -- you've heard said earlier, we've
19 revised some of our plans to help accomplish our goal of
20 not seeing any litter.

21 And we will -- as we send the next batch of
22 coupons out, we will emphasize this more. I think we'll
23 have to do a little more graphic. For the homeowner, it's
24 a nice day, good weatherwise; they load their truck; they
25 go out there; they have free disposal; they pay a fine.

1 And apparently it's not enough of an issue. So we'll work
2 on that more and more, to get the local citizens to
3 recognize that.

4 And if there's any questions, I will take them
5 now. Otherwise, thanks.

6 CHAIRPERSON BROWN: Thank you Mr. Finn.

7 Does anybody have any questions?

8 Thank you very much.

9 MR. FINN: Thank you.

10 CHAIRPERSON BROWN: That concludes all of the
11 public testimony.

12 If there's any questions of the staff or
13 anybody -- Gary, I know you had a statement. Would you
14 like to read it?

15 MEMBER PETERSEN: Thank you, Madam Chair.

16 I'm not going to vote against issuing -- issuance
17 of this permit because I don't believe there's any legal
18 basis to do so. However, I must state, I am troubled over
19 the way this permit has been presented to the Board and to
20 the public.

21 There's something wrong when a permit application
22 is significantly revised after it has been submitted as
23 complete by our local enforcement agency, in order to get
24 it approved.

25 Getting a permit or a revised permit is an arduous

1 task. I know; I've done it.

2 We all know that there's really no perfect place
3 for a landfill or for any solid waste facility. However,
4 we need to start pushing the envelope to develop new and
5 evolving technologies to eliminate the existence of
6 landfills.

7 As we are discussing today -- as we were
8 discussing yesterday in our governance session, our
9 infrastructure for handling solid waste and our materials
10 diverted from the waste stream is at risk. It's at risk
11 in part of regulatory uncertainties; it's at risk because
12 of encroaching incompatible land uses; and it is at risk
13 because the public often doesn't have the capacity to
14 participate fully in the process, although I do think
15 that, in this instance, they have; or because of the lack
16 of clear and meaningful communication with the public over
17 the proposed projects.

18 I do not believe the opponent has been forthcoming
19 with an application that enables meaningful public
20 participation.

21 It is evident that when as recently as Monday of
22 this week, there was still confusion among local
23 residents, over the permit changes being considered by the
24 Board. This process has not favored clear and open
25 communication.

1 If ever there was a time when the Board needed the
2 authority to reject an incomplete permit application, this
3 is the time.

4 As for the modifications being proposed in the
5 permit, it seems to me that we are being asked to approve
6 a de facto increase in tonnage at the site. Removing
7 recyclables as well as those being reviewed for
8 alternative daily coverage, I do not agree with either.
9 And other beneficial site uses from the daily limits on
10 tonnage opens the door for significant increase in site
11 activity, considering there is no room, within the
12 existing vehicle limit, to increase traffic to this site
13 by more than 30 percent over the current levels, no matter
14 if the extra materials are not disposed.

15 Again, I do not believe I have the grounds to vote
16 against this permit. However, I will -- I do object, and
17 therefore I will abstain. Thank you, Madam Chair.

18 CHAIRPERSON BROWN: Thank you, Member Petersen.
19 Anything else?

20 MEMBER PEACE: Yeah, I would like to say a few
21 things, I agree with a lot of what Board Member Petersen
22 said.

23 In my opinion, this landfill, at a protected
24 marsh, was never intended to be a regional landfill. They
25 have trucks coming in from as far away as 70, 80, 150

1 miles. So why is trash coming from 150 miles away?

2 I know one reason is because their tipping fee is
3 too low. The operator and the county, you need to work
4 together to increase the tipping fees. This would not
5 only discourage the long-haul trucking, which contributes
6 to the traffic congestion, greenhouse gasses, and
7 pollution, but it would also help to pay for road
8 improvements, a transfer station, and recycling center. A
9 transfer station and recycling center, away from the marsh
10 would keep the self-haulers and the litter off the road to
11 the landfill, which in turn would help reduce the amount
12 of litter affecting the marshland habitat and that of the
13 cattle grazing on the nearby property.

14 I mean, I don't think this landfill needs to
15 operate 24 hours a day, and I don't think -- and also I
16 think that the ABC and the beneficial reuse material
17 should be included in their tonnage.

18 CHAIRPERSON BROWN: Okay. Anything else?

19 MEMBER DANZINGER: I think Gary made some, you
20 know, good points as well. Mine's going to be a little
21 bit more meandering. My notes are all over the place.

22 This is -- no doubt this is a difficult item. You
23 know, there are some issues of general concern, you know,
24 that I acknowledge. I mean, of all the places to have a
25 regional landfill, multiple jurisdictions, close proximity

1 to what I believe is the largest wetlands preserve in
2 California. It's hardly an optimal situation. This also
3 indicates, and many believe, that the landfill was only
4 intended to serve the local jurisdiction. None of them
5 are fair, but they are there. And you know, you can't
6 ignore them.

7 But you know, as the Chair noted -- and I
8 appreciate your comments, at the beginning of this item --
9 this Board is charged with making thoughtful decisions
10 based upon specific criteria that we're given. There are
11 rules. There are reasons for rules.

12 And you know, I have a concern with the Clovis
13 item. And I abstained on that. I saw that there was a
14 linkage between the item and one of the Board's own
15 policies, on some aspect of the local level that had been
16 thoroughly exhausted.

17 We can't arbitrarily compel applicants to answer
18 to us for matters that come under the scrutiny and the
19 approval authority of other regulatory agencies. In this
20 case, one of these key agencies is the San Francisco Bay
21 Area Conservation District Commission, which is very much
22 engaged.

23 The plan meets the standards that are the basis
24 for our determination, went through the exhaustive local
25 process. And I guess most important to me -- well, one

1 very important aspect, to me, at least at this point in
2 time, is that the application has diminished significantly
3 and considering it's now just hours and how to classify
4 beneficial reuse materials in a more appropriate way.

5 When this moves forward for expansion, which is
6 not included as part of this permit, vertical or
7 horizontal, it may be a bigger issue, because there's more
8 at stake. But at this point, I think that they have met
9 the threshold based on the confined aspects of the
10 application on the hours and the beneficial reuse
11 materials.

12 Thank you.

13 CHAIRPERSON BROWN: Thank you, Member Danzinger.

14 Member Mulé?

15 MEMBER MULÉ: Thank you, Madam Chair.

16 I'm not going to repeat the comments that were
17 made by Board Members Petersen, Peace, and Danzinger.

18 And while I do agree with many of your comments,
19 Board Member Petersen and Member Peace -- I don't agree
20 with all of them. But I will say this: This has been a
21 very complex issue because of the number of federal,
22 state, and local agencies involved. We do have, what I
23 consider to be, a precious resource, the Suisun Marsh,
24 that -- that really does add to the complexity of the
25 issue in protecting that marsh.

1 But as Board Member Danzinger stated, our
2 authority is limited by statute as to what we can and
3 cannot consider in our concurrence with this permit.

4 So that being said, I just want to make one final
5 comment in that this permit and the process has been
6 confusing because of the changes made. And I will state,
7 for the record, I have been disappointed in the fact that
8 there were these changes made and it was, first of all,
9 difficult for us to keep up with the changes made. And if
10 we're having trouble keeping up with it, I'm sure the
11 public is having trouble keeping up with the changes that
12 have been made.

13 But with that, again, I just want to say that, you
14 know, I do understand that our authority is limited.

15 And I will have to base my vote upon that.

16 Thank you.

17 CHAIRPERSON BROWN: Okay.

18 Thank you all.

19 At this point, I don't think that there's anything
20 that I need to add to the record.

21 You know, it's been -- since I came to the Board
22 in February, this has probably been the most difficult
23 permit to not only keep track of, but to understand. But
24 it is clear, in 939, that siting of landfills is a local
25 planning issue. And our discretion, as you've heard, is

1 limited to the statute, and that's what it is.

2 It was contemplated rigorously in the drafting of
3 AB 939, and those issues -- it was determined, by local
4 governments, what was in their purview of where to site
5 landfills.

6 I think we have had a discussion and have opened
7 up issues and have received a lot of testimony and hope
8 that when we do receive any expansion documents, those
9 will be clearly exhausted at the local level, by the
10 county supervisors and the local enforcement agent, before
11 we receive any expanded permits.

12 I think we've exhausted this item.

13 Is there anybody that wants to make a motion?

14 MEMBER MULÉ: Madam Chair, I will move approval of
15 resolution 2006-216, revised.

16 CHAIRPERSON BROWN: Do I have a second?

17 MEMBER DANZINGER: I will second it.

18 CHAIRPERSON BROWN: It's been moved by Member Mul
19 and seconded by Member Danzinger.

20 Kristen, can you call the roll?

21 MEMBER DANZINGER: A grudging aye.

22 EXECUTIVE ASSISTANT GARNER: Mulé?

23 MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT GARNER: Peace?

25 MEMBER PEACE: No.

1 EXECUTIVE ASSISTANT GARNER: Petersen?

2 MEMBER PETERSEN: Abstain.

3 EXECUTIVE ASSISTANT GARNER: Brown?

4 CHAIRPERSON BROWN: Aye.

5 Elliot, can you eloquently recite the statute and
6 regular structure by which this permit will move forward?

7 CHIEF COUNSEL BLOCK: Certainly.

8 As previously mentioned, the Board statutes,
9 Public Resources Code Section 40410 requires four votes
10 for an action of the Board. And the vote that just
11 occurred was a 3-1-1 vote. Therefore, there's no action
12 by the Board.

13 However, Public Resources Code 44009 provides that
14 if the Board fails to act on a proposed permit within 60
15 days, it will be deemed to be approved. In the case of
16 this permit, according to the agenda item, that 60th day
17 will be December 25th.

18 CHAIRPERSON BROWN: Thank you, Elliot.

19 Okay. Now I would like to move -- thank you all
20 for coming. I appreciate that.

21 We have a special guest and a special presentation
22 at this time. So we would like to move back to the
23 beginning of our agenda and invite up State Senator Pat
24 Wiggins for a special presentation by this Board.

25 And as she's moving up, I will just mention to

1 those of you who are listening and who were not here, we
2 all lauded her wonderful efforts and the fact that we will
3 miss her, as a member of this Board, during our
4 out-of-town meeting in November, anticipating or knowing
5 that she would be moving on to the Senate, as of Monday,
6 sworn in.

7 And so we wanted to at least take this
8 opportunity, with staff present and close by, to present
9 her with a special resolution and, of course, a cake. Got
10 a cake on your first day; now you're getting a cake on
11 your last day. But I'm going to invite you over and I'm
12 going to try and read this so you all can see it or hear
13 it.

14 I will get through all the "mumbo jumbo" at the
15 beginning, as Pat would say. Okay.

16 "Whereas, the California Integrated Waste
17 Management Board was established to oversee implementation
18 of the nation's most aggressive waste diversion mandates,
19 while leading the effort to create a sustainable economy,
20 driven by markets for new projects made from recycled
21 material, resulting in a safer, healthier environment;

22 "And whereas, Pat Wiggins was appointed to
23 represent the public's interest as a full-time member of
24 the California Integrated Waste Management Board, by
25 Assembly Speaker Fabian Nunez, on December 23rd, of 2005;

1 "Whereas, Member Wiggins brought a deep
2 appreciation for the challenges of local government, for
3 from her distinguished service as a member of the Santa
4 Rosa City Council, as a member of the California State
5 Assembly from 1998 to 2004;

6 "Whereas, she chaired the local government and
7 banking committees. She founded the first Smart Growth
8 Caucus in the Legislature, saved from development the
9 Hearst Ranch Coastline, and enacted the most comprehensive
10 state land use and infrastructure law in 30 years;

11 "Whereas, Member Wiggins provided a strong,
12 independent voice for local government and rural
13 jurisdictions on the Permitting and Enforcement Committee
14 and on the Sustainability and Market Development
15 Committee.

16 "Whereas, Member Wiggins provided a vigorous
17 support for the Board staff and its programs, including
18 those developing sustainable markets for recovering
19 materials, those exploring and implementing new
20 technologies, and those recognizing outstanding
21 achievement by small businesses.

22 "Whereas, the Board's other members appreciate her
23 no-nonsense approach and frank use of the English
24 language, where the Board supplied peanut brittle, Earl
25 Gray tea, and licorice Altoids, will once again be in

1 abundant supply;

2 "Whereas, Member Wiggins has left the glamorous
3 world of waste to take on the unenviable task of
4 representing California's Sonoma and Napa wine regions and
5 the bucolic north coast;

6 "Now, therefore be it resolved that the California
7 Integrated Waste Management Board and its staff take great
8 pride in recognizing Ms. Pat Wiggins for her dedicated
9 service to the people of the State of California, and for
10 her continued contributions as a steward of the
11 environment, lifelong protector of public health and
12 safety, and environmental justice.

13 "Be it therefore resolved that the Board and its
14 staff wish her continued success as she returns to the
15 Legislature as a state Senator. And we'll always be
16 deeply grateful for the role she played during her short
17 tenure on the Board, and for the friendships that will
18 last forever."

19 A little seriousness and a lot of fun. And we're
20 going to do a quick photo, but we would like to invite you
21 all to the lobby area for a celebration and some cake.

22 SENATOR WIGGINS: Can I say something?

23 CHAIRPERSON BROWN: Of course.

24 SENATOR WIGGINS: This is the smartest group of
25 people and the most dedicated staff I have ever seen in

1 one place, ever, ever, ever.

2 So I just want to congratulate all of you for what
3 you do, because you are the best. That's all it is.

4 (Applause.)

5 (A break was taken in proceedings.)

6 CHAIRPERSON BROWN: We would like to reconvene
7 this Board meeting.

8 Kristen, can you call the roll?

9 EXECUTIVE ASSISTANT GARNER: Danzinger?

10 MEMBER DANZINGER: I'm here.

11 EXECUTIVE ASSISTANT GARNER: Mulé?

12 MEMBER MULÉ: Here.

13 EXECUTIVE ASSISTANT GARNER: Petersen?

14 MEMBER PETERSEN: I'm here.

15 EXECUTIVE ASSISTANT GARNER: Peace?

16 MEMBER PEACE: Here.

17 EXECUTIVE ASSISTANT GARNER: Brown?

18 CHAIRPERSON BROWN: Here.

19 Do we have any ex partes to report?

20 MEMBER MULÉ: Madam Chair, I just spoke with Larry
21 Burch, Kevin Finn, and Supervisor Kromm regarding the item
22 we just heard on Potrero Hills Landfill.

23 MEMBER PETERSEN: Madam Chair, I spoke to David
24 Tam and George Eowan, and Larry Burch.

25 CHAIRPERSON BROWN: Larry Burch?

1 I spoke to Kevin Finn. Sort of, Larry Bruch about
2 Potrero Hills, and to George Eowan about nothing in
3 particular; the usual.

4 MEMBER DANZINGER: Same for me about George Eowan.
5 It was still painful, even though it was nothing in
6 particular.

7 (Laughter.)

8 MEMBER PEACE: I just spoke with Supervisor Kromm,
9 from Potrero Hills area, and other members of the public
10 that were up here, to comment, on Potrero.

11 CHAIRPERSON BROWN: Probably David Tam, Duane
12 Kromm, and --

13 MEMBER PEACE: And June Guidotti.

14 CHAIRPERSON BROWN: And June Guidotti. Okay.
15 Let them have cake.

16 Now we're going to move to Agenda Item 13, which
17 is for full Board consideration. And it is Lorraine Van
18 Kekerix.

19 ACTING DEPUTY DIRECTOR VAN KEKERIX: Trevor
20 O'Shaughnessy will be giving a brief presentation on Item
21 13.

22 CHAIRPERSON BROWN: Thank you.

23 Trevor?

24 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

25 O'SHAUGHNESSY: Good morning, Madam Chair. My name is

1 Trevor O'Shaughnessy of the State Organization Facility
2 Assistance Section.

3 The item before you today is addressing the state
4 agency and large state facility on noncompliance with the
5 state's 50 percent diversion mandate pursuant to Public
6 Resource Code Section 42921.

7 Within the Public Resource Code, it is stated that
8 state agencies must achieve and maintain the 50 percent
9 diversion by January 1st, 2004, and thereafter. Based on
10 staff's analysis, there are 15 state agencies before you
11 that have not achieved this mandate.

12 I would like to point out to you, on Attachment
13 1.5, the state agencies and a table that lays out staff's
14 recommendation.

15 State facility No. 14, Richard J. Donovan
16 Correctional Facility is one of 38 state prisons within
17 the state of California. This is the second year in which
18 they have not achieved the 50 percent diversion mandate.

19 Compton Community College, although staff has been
20 aggressively working with them to submit an annual report
21 for 2005, which is the consideration of today's item, we
22 have still not received any submitted annual report for
23 the reporting cycle of 2005.

24 I would like to remind the Board that beginning
25 January 7th of 2007, we will be opening the portal for

1 state agencies to submit their annual reports for the
2 calendar year of 2006.

3 That concludes my presentation. Staff is
4 available to address any questions you may have.

5 CHAIRPERSON BROWN: Thank you, Trevor.

6 Do we have any questions from Board members?

7 MEMBER PEACE: I don't have any questions. I just
8 have one concern that all these colleges that are on here
9 still continue to, you know, not rely so heavily on C&D,
10 but keep doing their recycling programs. And staff has
11 assured me that they are working with them to do just
12 that.

13 So I'm comfortable.

14 CHAIRPERSON BROWN: Okay. Jeff, do you have
15 anything?

16 Anybody else?

17 May I have a motion?

18 MEMBER PETERSEN: I would like to move Resolution
19 2006-226 Revised.

20 MEMBER MULÉ: I'll second.

21 CHAIRPERSON BROWN: That's revision No. 3.

22 MEMBER PETERSEN: Revision.

23 CHAIRPERSON BROWN: Just for clarification.

24 MEMBER PETERSEN: I'm so confused.

25 CHAIRPERSON BROWN: It's been moved by Member

1 Petersen and seconded by Member Peace.
2 Kristen, can you call the roll?
3 EXECUTIVE ASSISTANT GARNER: Danzinger?
4 MEMBER DANZINGER: Aye.
5 EXECUTIVE ASSISTANT GARNER: Mulé.
6 MEMBER MULÉ: Aye.
7 EXECUTIVE ASSISTANT GARNER: Peace?
8 MEMBER PEACE: Aye.
9 EXECUTIVE ASSISTANT GARNER: Brown?
10 CHAIRPERSON BROWN: Aye.
11 Thank you. Thank you all.
12 Now we will move to Agenda Item 16.
13 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Thanks
14 Madam Chair and Board Members.
15 Item 16 is an Update and Status of Recycled
16 Content Product Outreach, Tire Sustainability Outreach,
17 and Electronic Waste Consumer Education Program.
18 CHAIRPERSON BROWN: Can you state your name for
19 the record, please. I neglected to do that. This is John
20 Myers.
21 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: John
22 Myers, Office of Public Affairs.
23 I just keep thinking everybody knows who I am by
24 now.
25 Now I lost my place. I don't want start from the

1 beginning.

2 Item 16 is Update and Status of Recycled Content
3 Product Outreach Campaign, the Tire Sustainability
4 Outreach, and Electronic Waste Consumer Education Program.

5 I've asked the contractor that is conducting all
6 three of these activities -- Ogilvy Worldwide -- to
7 provide you with this update.

8 Here from Ogilvy is Beverly Kennedy and Rachel
9 Manke.

10 Following these updates, we will be able to answer
11 any questions that you might have.

12 Rachel? Or Beverly? Also -- what's that?

13 CHAIRPERSON BROWN: I said since you did that with
14 one breath, you can now take another breath.

15 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Thank
16 you.

17 Also, just to let you know, we provided you some
18 background material on each of your chairs. So you should
19 have that in front of you.

20 MS. KENNEDY: Good afternoon, Madam Chair and
21 Board Members. Beverly Kennedy, Ogilvy Public Relations
22 Worldwide.

23 We are going to be providing you with three
24 different campaign updates today, so we have a wonderful
25 spread ahead of you.

1 Actually, Rachel will be going into and talking
2 about the Green Roads Campaign. And as you know, we've
3 been conducting that since, like, 2005. She will also be
4 talking about the recently launched Tire Sustainability
5 Campaign. And I will be discussing what's occurring with
6 our Electronic Waste Campaign, at the very end.

7 So I'm going to turn it over to Rachel to give you
8 an update on the first two campaign items.

9 MS. MANKE: Good afternoon. I'm Rachel Manke. It
10 looks like we'll forge ahead, while the PowerPoint is
11 being brought up. And the Board members have copies in
12 front of them.

13 So let me first report on the program which we
14 have now dubbed Green Roads. It's actually the Recycled
15 Content Materials Marketing Program. One of the key
16 things since we last met with you, back in May, is that we
17 reread the program. Green Roads is a very important thing
18 for California, and we're excited to report to you all the
19 progress that we've made in the last five months.

20 So on the first slide, I just wanted to talk to
21 you a little bit about the jurisdiction meetings that we
22 have been doing. The public education goal is basically,
23 go up and down the state, meet with cities and counties to
24 talk to them about four key recycled products: RAC, TDA,
25 recycled aggregate, and organics.

1 We have, since we met with you, finished up our
2 pilot program. Our pilot program included six cities that
3 we selected, both large and small, so that we could take
4 our road show out, so to speak, and really understand what
5 messages resonate with, you know, the members that we're
6 meeting with.

7 We were meeting with electives and public works
8 officials. We also wanted to kind of understand better
9 what the barriers are that we might face as this program
10 continues on, over a year and a half.

11 The cities that we met with as a part of the pilot
12 program include Madera, Santee, the City of Davis,
13 Woodland, Torrance, and Vallejo.

14 And we had some key insights about the program.
15 We did share those. We have a report on the pilot program
16 that was provided to Chair Reid Brown; Ms. Mulé was also
17 there. And then we've also met with the executive
18 director of the program.

19 Some of the key findings; I don't think you'll
20 find them surprising. I think it's something that's
21 continued to be a theme throughout the meetings that we've
22 done. The products that have grant support are much more
23 likely to be well received. Cities love when you talk to
24 them about products and also have resources, both from
25 grant side and technical support, that you can offer, to

1 help them implement those.

2 Another insight is that each product really is at
3 a different place in the marketplace. Whether it's, you
4 know, how a city understands the product, maybe what
5 misinformation they have, or if they even know about a
6 product, such as TDA, at all. The information level
7 really varies by product.

8 And secondly, each is at a different place in the
9 marketplace. Also with regard to where a city might be in
10 the state -- if they are a larger producer in Southern
11 California for some products, etc. So that was another
12 key finding that we found as a part of the pilot program.

13 And as you would expect, cities also look to
14 Caltrans to see what they are doing with these products.
15 So that's kind of a key thing, going forward. Certainly
16 organics, they are keeping that in mind. Also TDA, trying
17 to get Caltrans on Board to more appropriately adopt the
18 use of these materials.

19 And then our last key finding, a strategy that was
20 put forth with regard to our scope of work, was that in
21 each meeting we would attempt to meet with an elected as
22 well as key engineers and Public Works staff; really
23 bringing everybody to the round table together, to have an
24 informed discussion about the products.

25 A question you might have is: What do electeds

1 often say about the product?

2 They have a lot questions. Some of them didn't
3 realize that they are using products. Some of them wonder
4 why their cities aren't using it? So it was a really good
5 information exchange that we've seen at that table,
6 between Public Works staff and electeds, happening.

7 Those are things that have continued. Moving to
8 Page 3, for the additional 40 jurisdiction meetings that
9 we've had. I think we're actually technically up to 42
10 meetings today. Our goal for the campaign, as written in
11 our scope of work, was 40 meetings. We will continue to
12 do meetings, however. So today, one of my colleagues is
13 out with the aggregate team, down meeting in the city of
14 Brentwood. So we're happy to report 42 meetings for you
15 today.

16 Since each city has a different ability to use the
17 product -- not all product experts have gone to every
18 single meeting, so I just wanted to let you know the
19 number of meetings that have featured significant
20 information on each product. So 25 of those meetings have
21 featured a RAC expert. That's Nathan Gauff, who you know
22 from the Board.

23 The TDA product has been featured, and Stacey
24 Patenaude has gone with us to 13 of these meetings.

25 17 meetings featured Clark Williams, the aggregate

1 expert;

2 And then 9 meetings have featured numbers of the
3 organics team such as Ken Decio or Brian Larimore.

4 So we're pretty excited about where we are at this
5 point. We've really made a lot of progress and gained a
6 lot of momentum.

7 And I did want to highlight some great things we
8 had. I know everybody is probably wondering, "What's
9 happening with the city of L.A." And I'm happy to report,
10 we did just secure a meeting for the Board with the L.A.
11 mayor's office. So we'll be working with John Myers and
12 then the scheduler to see what date we can probably
13 schedule that for after the first of the year.

14 I'm happy to report on the city of L.A and also
15 the City and County of Santa Barbara. We were recently
16 slated to meet with them this month, but due to some
17 schedules, we're dumping that off until after the first of
18 the year. And I know that Member Petersen has expressed
19 interest in attending that meeting.

20 We also have --

21 CHAIRPERSON BROWN: Can we all go? Try to book it
22 on a weekend.

23 MS. MANKE: Some other meetings that we have
24 coming up include the City -- or combined jurisdiction of
25 San Francisco, so we're working on reaching out to them;

1 we're actually working with the supervisor's office to see
2 about scheduling meetings after the first of the year.

3 And we also just confirmed a meeting with the City
4 of South Beach, which is in L.A. County; and the City of
5 the Pico Rivera, also in L.A. County.

6 And the jurisdictions are really selected in
7 partnership with program staff in terms of where they see
8 the need and what we kind of know, from industry people,
9 about who is or is not using their product. So we're
10 pretty targeted in terms of the actual cities or counties
11 that we select.

12 And I did send out an update Monday of this week
13 as to the success we had at the CSAC conference. We have
14 gone to three conferences on your behalf, twice. We have
15 been to the League of California Cities. Most recently we
16 went to the California State Association of Counties
17 Conference in L.A. We had the opportunity to connect with
18 Amador County, Nevada County, Lake County, in addition to
19 a whole host of other counties that were exposed to the
20 product.

21 We also had a nice interaction with some counties
22 that we met with: Contra Costa looks like there will be a
23 good opportunity to move plans with them forward, for RAC
24 use.

25 And even interacting with counties that might have

1 been a holdout, such as Fresno County; they did a great
2 job to kind of interact with them.

3 So bringing them on board did take quite a bit of
4 time. Every interaction we have and explaining the
5 product benefits is real great for us.

6 Up on the screen, on the large screen, now, you
7 will see the collateral and advertising materials that we
8 have created since we last reported to you. When we were
9 here in May of 2006, we had given you information on the
10 research survey that we had done, where we were asking
11 what people knew about these products; why they might
12 adopt them and their cities or counties.

13 That information was used to create the key
14 messages that are in multiple pieces, up on the screen.

15 The folder/brochure that you see is a multipage
16 brochure, and it features all four products including the
17 key benefits, uses. It also has some key studies;
18 peer-to-peer outreach is very important for these cities
19 to know the success of their colleagues and other
20 jurisdictions.

21 We also developed a product box. Many electeds
22 aren't on site when these products are laid out, and it's
23 pretty interesting for them to understand the actual
24 material that's being used. So the product box features
25 all four products in its original state before it's

1 actually laid out.

2 And then we also did develop an interactive booth
3 for conferences, which has been highly popular. People
4 like to do a little show-and-tell, feel and touch it, etc.
5 But we will note that if they can take it home on the
6 plane, we suggested not to, because TDA does have metal.
7 So we probably couldn't get it through security.

8 And then also, we have created an advertising
9 series. It features each product, a picture on each
10 product, along with a third party endorsement of a city
11 that's using that product. And then you will see on the
12 ads, there's a smaller photo that features a secondary
13 product. It's a rotating ad series, that goes on through
14 May of 2007. And it appears on both public agency
15 publications that are read by electeds as well as those
16 that are read by public works engineers, so anything from
17 Western City to California Construction Manager.

18 So with the momentum, we've got a lot still to do,
19 before the completion of our contract with the Board,
20 which is June of 2007.

21 Something in particular -- I'm just going to start
22 with the middle bullet: jurisdiction follow-up. We've met
23 with 42 cities; 42 jurisdictions. The job isn't done yet;
24 we don't have a meeting and walk away without a
25 conversation. There's a lot of follow-up that needs to

1 happen. We're always providing these entities with
2 information about where they can access, you know, the
3 grants information to submit a grant. We also need to
4 really kind of, you know, pound at their doors over the
5 next three months. It's very crucial that one of the
6 things that we learn is, if we don't talk to people early
7 enough in their how-to-planning season -- which now really
8 is -- are their planning months -- it's going to be hard
9 to get them to use it. Because once we hit March, April,
10 they already got projects in the mix. And it's a lot
11 harder to -- for them to make an adjustment in terms of
12 switching the product they might be using.

13 So we really feel that the next three months are
14 crucial for us, to loop back to the 42 cities that we've
15 met with. Most likely it's going to involve a follow-up
16 conversation or even having them talk to one of the hired
17 technical experts -- could be Mactec; could also be
18 Connect [phonetic] -- on the TDA product, for example.
19 And we do work in partnership with those other
20 subcontractors, to the Board.

21 Media relations is also going to be a key
22 component. We look forward to working closely with OPA to
23 do more media relations on the program.

24 Not only do we want to go to the city and be
25 talking about the product, but we want them to read about

1 it and seek a third party endorsement, in the paper of a
2 city and county. We are looking, recently, in Monterey
3 County. They have talked about a tire amnesty day and
4 featured, really, the impacts that tires have and what
5 that particular county was doing. And those are the kinds
6 of things that we want to see all the across the state in
7 papers, especially in those counties and cities that we're
8 still trying to open doors to.

9 Advertising, as I mentioned, continues through May
10 of 2007. And we also have been collaborating with OLA
11 staff on a program. And we're just kind of awaiting
12 further direction from the executive director about
13 proceeding. Know there's some reorganization going on.
14 We've had collaboration of about how this program really
15 can continue as a "live potato," so to speak, moving
16 forward, after we finished up in June.

17 So there's a lot of momentum, and I don't think --
18 everything not going to be done by June. And there's a
19 lot that can still continue, even after the Ogilvy isn't
20 on contract with the Board.

21 This really is a long term program. Public
22 education goal was to inform and educate entities that
23 we're meeting with. We're definitely accomplishing that.

24 We are able to lay the foundation. We've opened
25 doors to many cities that I know the Board hasn't yet

1 talked to. And in addition, dispelling misinformation;
2 there are a lot of cities that say to us, "Oh, I heard a
3 story about RAC on 505. Tell me more about that." It's a
4 really good thing to be addressing that, right up front,
5 and have your product expert there to do so.

6 We also, at every outfit, are highlighting the
7 Board grants. And in meeting with Nathan Gauff -- and I
8 know that he just proposed to you a slight change to some
9 of the criteria for the targeted grant program. We do
10 feel like that's really going to make the difference to
11 about five to eight of the 42 cities we've met with,
12 where they were on the cusp and now it will allow them to
13 move forward, in particular with RAC. So that's going to
14 be a strong result for us, and we expect to have more
15 jurisdictions on board, by June.

16 And as I mentioned, there's going to be ongoing
17 outreach that will continue. I think there will be many
18 results that maybe started under the campaign, but will
19 definitely occur after Ogilvy is longer participating.

20 So I can move on to giving you an update on the
21 tire program unless you want to do questions now or hold
22 until the end.

23 CHAIRPERSON BROWN: Anybody have any questions on
24 this?

25 MEMBER PEACE: One question.

1 When it comes to the RAC program, do you have a
2 list of all the jurisdictions in the state and which ones
3 you have made contact with, which ones that have RAC and
4 which ones haven't, and a list of all the jurisdictions?

5 MS. MANKE: We haven't done a whole list of the
6 entire state. But I can tell you all the ones that we've
7 talked to. And we look at it, more in a sense of which
8 ones are potential users, based on volume and traffic. So
9 we kind of pick a pocketed approach each time we go out
10 the door and talk to them.

11 But I think you've got a handout that shows all
12 the cities and counties that we have met with.

13 MEMBER PEACE: I guess my question, how many that
14 are on this list have already used RAC, and which ones
15 don't?

16 MS. MANKE: I could get you those numbers, Cheryl,
17 afterwards. Unfortunately, I don't remember every
18 meeting.

19 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Jon
20 Myers with OPA.

21 One of the things that's different with the RAC
22 outreach than with the other materials that are part of
23 this campaign is that the RAC one seems to be evolving a
24 little bit differently. The organics came up with their
25 list of who really is in need of more procurement and

1 such. With RAC, because we're doing so many RAC grants
2 and all that keeps changing as new applications come in,
3 we kind of evolved our master list to go along with that.
4 So we're not repeating ourselves, going to somebody --

5 MEMBER PEACE: Is there a master list to look at
6 and see which ones --

7 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: That's
8 what I'm saying.

9 MEMBER PEACE: Which ones have got grants?

10 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Exactly.
11 And that's what I'm saying. It kind of changes. So we
12 can give you that master list. But it doesn't change --
13 we're not -- if somebody starts applying, if one of the
14 jurisdictions applies for one of our grants, then we're
15 not going back out there again. Because we're going to go
16 after the ones that are really in need of the grants.

17 MEMBER PEACE: Okay.

18 MEMBER PETERSEN: Madam Chair? This is very
19 exiting stuff. We're going to local stakeholders with all
20 this, and we tell them, we're here to help them, and now
21 we are. And that's been the key thing about this, to me,
22 that us, as the Board, as all of us, are communicating
23 with the local agencies and people, not just about what we
24 do, but here, "We're trying to help you with local stuff."

25 This is great. And this is exactly what we need

1 to be doing.

2 And Jon, the hootchy-koo, you know, the thing we
3 approved for the display for the three green building --

4 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS:

5 Hootchy-koo is the official name.

6 (Laughter.)

7 MEMBER PETERSEN: The thing with RAC and green
8 building stuff on it? Yeah. Okay.

9 Just want to make to make sure I got that clear.

10 CHAIRPERSON BROWN: This is the part that the
11 tire-derived funds are going to pay for. You pay for
12 green building. I think we can pay for the other one.

13 MEMBER PETERSEN: We'll find some more money.

14 CHAIRPERSON BROWN: Let's find some more money.

15 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Rachel
16 brought up a good point, with the -- yeah, it can be under
17 the CSAC and legal --

18 CHAIRPERSON BROWN: I'm not sure we should call it
19 the "hoochikoo."

20 MEMBER PETERSEN: The dome thing.

21 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: The
22 pavilion.

23 MEMBER PETERSEN: Oh, very good.

24 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: The
25 touch and feel --

1 CHAIRPERSON BROWN: Touchy-feely.

2 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: The
3 touch-and-feel product that we had out there seemed to be
4 a huge hit. It really helped a lot.

5 MEMBER PETERSEN: Good job.

6 MS. MANKE: Thank you, Member Petersen.

7 CHAIRPERSON BROWN: Okay. E-waste; is that what
8 you're going to do?

9 MS. MANKE: I'm going to move to tires and then
10 Bev will come up and do e-waste. So let's talk about
11 tires.

12 So we recently were awarded the Sustainability
13 Campaign that happened in late summer, this past summer.
14 Just wanted to restate the goal of the campaign: We want
15 to educate Californians about properly maintaining their
16 tires to be safe, save money, and reduce fuel consumption.

17 You obviously know the main goal is to encourage
18 people to keep their tires maintained so they last longer
19 and we have less tires that are being disposed into the
20 landfill. So that is the key underlying business goal
21 there.

22 But this goal, as stated, is more of our public
23 education goal. Our objectives, we're going to increase
24 awareness of proper tire maintenance and the key benefits
25 for the maintenance. We want to secure participation by

1 the retailers, and we also -- one of our objectives is to
2 secure a place that has some public service announcements,
3 that I'm going to talk to you about, in just a few
4 moments.

5 We actually spent the last couple months doing
6 formal research for the program. This, unlike the
7 jurisdiction program and unlike the e-waste program that
8 Bev's going to talk about, did require original creative
9 development, especially with regard to advertising print
10 ads, radio ads. It's a little bit different than the
11 e-waste program. So we actually invested up front in
12 research with our key target audiences.

13 I'm not sure who's familiar with the actual RFP,
14 but it is a multi-ethnic campaign, so not only reach out
15 to English speakers, but also those that speak or read
16 Chinese or Cantonese and Spanish as well. So it is a
17 multi-ethnic program. So we did do formal research.

18 And that research included the telephone poll. We
19 had 600 respondents: 200 English; 200 Spanish; 200
20 Cantonese.

21 And then we also did do focus groups as well, with
22 these individuals, to see what they thought about tire
23 maintenance.

24 And I just wanted to kind of share some findings,
25 with you, that came out of the survey that we use to

1 implement some of key messages that came out.

2 The key messages that really kind of rose to the
3 top from research: We understand that tire safety is one
4 of the most important benefits to the respondents. It
5 ranked actually a lot higher than maybe environmental
6 concerns they had, disposal concerns, or even fuel
7 consumption.

8 So you will see in the tire materials that tire
9 safety is a key message that's out front in the messages
10 we created and developed.

11 Interestingly enough, even though tire safety is
12 an important benefit to them, they didn't necessary
13 connect the dots that tire maintenance would increase tire
14 safety. So our materials also focus on that.

15 And third, it was interesting to find that while
16 we had originally proposed, in our scope of work, to reach
17 out to retailers, even though the majority of people that
18 we surveyed had bought a set of tires in the last two
19 years, most of them hadn't been given information at the
20 retail-client purchase about how to maintain their tires.

21 So we'll really kind of put a stronger emphasis on
22 the retail component of this program.

23 The creative development using those key messages
24 include a print PSA I will show you; our radio public
25 service announcement. And then we also did develop a TV

1 PSA, but I did want to point out that due to kind of the
2 budget caps for the first year and second year of the
3 program, the script for the TV PSA is done, but it will be
4 produced next year.

5 So when we talk about PSA outreach right now,
6 we're really pushing to get the radio PSA played on
7 ethnic- and English-speaking radio stations in northern
8 California.

9 These are some of the advertising materials that
10 we developed. We have a black-and-white print PSA that we
11 hope to secure placement in newspapers. Again, 30-second
12 radio PSAs. I want to mention Chinese and Cantonese.
13 Chinese is obviously the written language. The verbal
14 dialogue that we've selected is Cantonese. So we've
15 bought PSAs in English, Spanish, and Cantonese.

16 And then here are some of the collateral materials
17 that are specifically geared towards retailers: We have
18 posters that retailers can display, reinforcing, you know,
19 how checking your tire pressure does increase tire safety,
20 reduces blowouts, things such as that.

21 And then we also do have window decals, that can
22 be posted at the point of entry, to a retail store. And
23 we also developed PSA decals, much like when you go to get
24 your car tuned, they leave you a decal on your window
25 about your next service point. Well, people don't really

1 point out PSI, so that's a decal that a retailer patron
2 can actually post in their car window and then they simply
3 write in the PSI from their own car manual. So it's a
4 reminder to them; it does mention that they should check
5 their PSI once a month.

6 So we had a pretty great time; a lot of momentum
7 in the last few months since we've had the separate
8 billing with the research. All the materials are done,
9 are printed. And on your next steps, I just kind of
10 dubbed that with, you know, where we are now -- where are
11 we now?

12 We actually have reached out to all the
13 stakeholders in our target communities. So those could be
14 civic community leaders, some electeds as well. And we
15 are corresponding with them about outreach opportunities
16 in their communities. We also have sent out our retailer
17 partner packets, both to Asian Pacific Islander
18 communities and to Latino communities. These materials
19 are bilingual for each of those communities.

20 With regard to the retail packet, our next step is
21 to follow up on all the packets that went out, make sure
22 that they were received, and see how we can tailor our
23 partnership to each of those retailers. Some are major
24 changes; some are more mom-and-pop types of shops; and get
25 them the retail materials to post in their store; and also

1 find out if they were interested in maybe giving some of
2 the materials to their patrons, such as the PSI decal. So
3 that's where we are with the retail partnership program.

4 Media relations is also the next step that we are
5 going to be focusing on. We've worked with OPA to develop
6 a whole media kit. Actually, some of it's in partnership
7 with the Rubber Manufacturers Association, where we have a
8 press release that basically is announcing the campaign,
9 and then highlighting some of the key findings from the
10 telephone poll survey.

11 It also includes specific tire safety tips for
12 consumers, so that is going to go out too. Again, three
13 types of media outlets, three different ethnic types of
14 media outlets. So we expect that to go out next week.

15 And then we also are looking at maybe some TV
16 media opportunities in particular. We had a great call
17 with the San Francisco Police Chief's Office, Heather
18 Fong, who's very interested in supporting the program. So
19 we look forward to maybe doing something specific to the
20 Asian Pacific Islander Community in the Bay Area. So
21 that's just a little highlight on a great thing about
22 media relations.

23 And again, PSA placement is a key part. The PSA
24 is -- in terms of the radio PSA and print PSA are
25 completed. Those are going to be distributed out to a set

1 of stations that our ethnic outreach subcontractors have
2 selected, because they had a high success rate and they
3 know these stations really work with those communities.
4 So they will be tasked with sending those public service
5 announcements out, basically pitching the information in
6 the spot, why this is important to the media viewers and
7 listeners, and then tracking the responses. And this is
8 really a key aspect because the budget from the tire
9 program didn't necessarily allow for paid advertising. So
10 PSA placement is going to be a key way that would really
11 elevate tire maintenance awareness for the public.

12 So that's where we are with regard to the tire
13 program. I just wanted to reiterate, even though we are a
14 little far out from completion, we always do look to
15 measure the results along the way.

16 We expect to be able to report to you a strong
17 number of retail partnerships secured. We will measure or
18 report to you the materials that are distributed, in a
19 sense, you know, how many people we touched through the
20 program. We would also analyze the number of media
21 stories that were attained and what those stores were
22 about.

23 And again, we did research in the beginning. And
24 we're going to do to a secondary poll, so you would be
25 able to see how the needle moves in terms of pre- and

1 post-campaign awareness. So those are the highlights on
2 the tire program.

3 Are there any questions on that program?

4 CHAIRPERSON BROWN: I just have one quick
5 question.

6 MS. MANKE: Sure.

7 CHAIRPERSON BROWN: Who pays for the public
8 outreach material that the retailers would give out? Do
9 the retailers have to purchase that, or do you provide it
10 for them?

11 I know you have designed it, but do they have --

12 MS. MANKE: It's free. And stipulated in the RFP,
13 it had to be free for those entities.

14 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: It was
15 part of the contract.

16 MS. MANKE: Yeah, it's part of the contract.

17 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: And then
18 I will just point out, really quickly -- John Myers, OPA
19 again -- that the PSAs -- we're looking at the same
20 success, as you will hear in a second from Beverly -- the
21 same success in the PSAs that we're having with the
22 e-waste campaign as well. So it seems to be a great value
23 for the dollar. So we're looking forward to that.

24 CHAIRPERSON BROWN: Thank you.

25 I think I need to find out what my PSI is.

1 MEMBER PEACE: Did you say you are working with
2 Rubber Manufacturers Association?

3 MS. MANKE: Yeah, we're working with RMA, yes.

4 MEMBER PEACE: So what are they exactly doing?

5 MS. MANKE: RMA basically -- they have a lot of
6 tire safety tips that come from the manufacturers. So
7 we've worked with them to partner on this press release.

8 Obviously, Integrated Waste Management Board has
9 an interest to reduce tires in landfills. We needed to
10 bring in somebody who's that safety advocate. We wouldn't
11 want to kind of put you out there really strongly
12 pitching, "These are verified, certified safety tips." We
13 brought RMA in to kind of allocate that type of component.

14 MEMBER PEACE: I've talked to Michael Blumenthal
15 in the past, from the Rubber Manufacturers Association.
16 He showed me these pamphlets they had about tire safety
17 tips. And he said we have -- we give these out at the
18 retail stores.

19 But if I understood you correctly, you said that
20 when you did a survey, people were not getting those
21 things at the retail stores.

22 MS. MANKE: They weren't.

23 And actually, his colleague, Daniel Salinsky
24 [phonetic] wanted to come out and meet with us and talk
25 about other partnership opportunities. So it sounds like

1 there might be an opportunity there, working with them, if
2 they have brochures and we have partnerships.

3 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: And this
4 partnership with RMA was something that we've been trying
5 to do for quite a bit, now. And it was at the beginning,
6 the conception of this campaign, where we were directed to
7 work with RMA. And that's exactly what Ogilvy is trying
8 to do at this point. And we're already talking about
9 upcoming events and how we're going to be able to
10 collaborate further.

11 MS. MANKE: Yeah, they do a wonderful tire safety
12 event in April, that we'll be looking to collaborate on.

13 CHAIRPERSON BROWN: Thank you, Rachel.

14 MS. MANKE: Thank you.

15 Let me turn it over to Beverly Kennedy to talk
16 about e-waste.

17 MS. KENNEDY: Thank you. Beverly Kennedy; Ogilvy.

18 This is a very exciting campaign. And we're
19 pleased to be able to give you an overview of the success
20 we've had to date.

21 (Thereupon an overhead presentation was
22 presented as follows.)

23 MS. KENNEDY: Really quickly though, I did want to
24 go ahead and recapture what the campaign goal and
25 objectives were, before we talked about activities and

1 what we've accomplished to date.

2 As outlined in the RFP and our response to that,
3 the goal of the campaign is to make sure that we educate
4 all of California residents and retailers, about the
5 purpose and the pieces associated with e-waste recycling
6 and then to make sure that our residents know how to
7 properly dispose of their waste. I'm sure all of you have
8 seen statistics; we all stockpile -- right? -- in our
9 garages, in our back rooms. We need to stop that. We
10 need to educate the consumer. But what is equally
11 important on this is making sure that retailers are
12 educated as well. They are often the first people we
13 interact with. They go to the store. They buy the new
14 television set or what have you, and we need to make sure
15 the retailer is providing the proper information. So
16 that's why it's kind of a two-fold goal there.

17 The objectives that we will be looking to meet
18 through the life of the campaign is obviously: increase
19 awareness among Californians. We want them to understand
20 where they need to go, where they can get information, why
21 there is a fee being charged. Obviously, we need to have
22 participation by the retailers, the manufacturers. That's
23 a huge component of this campaign and a true cornerstone
24 of our activities.

25 With regards to educating the Californians, we

1 want them to go visit the Web site. There's a newly
2 established 1-800 number. There are resources for them to
3 get informed and educated. And then obviously we want
4 them to develop -- we want to develop a long-term
5 relationship with an advisory board we created. And I
6 will be talking about that in more detail. We have some
7 wonderful players who have stepped up to the plate and
8 they have some wonderful ideas. And so we will be
9 collaborating with them throughout the life of the
10 campaign.

11 Clearly, the overreaching goal is to reduce the
12 amount of electronic waste that is out there. And these
13 are communication goals that will go ahead and help out.

14 --o0o--

15 MS. KENNEDY: So what have we accomplished to
16 date?

17 We are pleased to announce that we have secured
18 seven retail partnerships so far. This campaign has been
19 underway for about four months, and you can see the ones
20 listed. They have agreed to come aboard. And when I say,
21 "They have agreed to come aboard," and what this
22 partnership really means, there's three different types of
23 activities that a retailer partner can participate in.

24 First one is training. We will offer trainings to
25 train the trainer, train their staff, whatever they want,

1 however they want to do it. We will be there to educate
2 them. And again, this is to make sure that they
3 understand what the law is about, they understand the
4 process, and in turn, they are educating their salesclerks
5 and then the consumer.

6 The second component of that is to make sure they
7 have education materials available. Do we need to provide
8 them something? Can we direct them to a Web site where
9 they can download information? We will be collaborating
10 with them.

11 And in a little bit later on, I will show you some
12 of the materials that have been developed. We want to
13 make sure that they have the information and resources to
14 provide to the consumer.

15 And lastly there's going to be a wonderful
16 opportunity, once we get a little further underway, to do
17 some cross-promotions and events. So we'll be working
18 with all of our retail partners to figure out what works
19 best. There will probably be a lot of activities around
20 Earth Day.

21 To date, we have actually conducted two trainings:
22 Our first one is with Wal-Mart. That was more of a
23 train-the-trainer. And then we conducted another one at
24 Central Computer Systems. They both went extremely well,
25 and we're going to have ongoing contact with them,

1 obviously.

2 Other retailers, we're looking at doing their
3 trainings, more in Q1. As you can imagine, they are very
4 busy in the holiday season, and they want to focus on that
5 right now.

6 In addition, Wal-Mart, who was actually our first
7 retailer partner to come aboard, we just recently sent out
8 to all of their stores, throughout the state of
9 California, to 170 of their stores, collateral packets.
10 And you will see a little bit later on what was in those.
11 But they have definitely stepped up and agreed to educate
12 the consumer. That's really important to them. And then
13 the collateral packets: we provided to them window clings.
14 So if you go to a Wal-Mart, on the front door, you should
15 see one hopefully pretty soon. And also a client tip
16 sheet or a "bagstuffer." So this information will go into
17 the bag.

18 On their own, they are also going to be working at
19 printing information on the sales receipt. So the
20 consumer gets a sales receipt, the information is right
21 there; obviously a great location for that. And we're
22 working with them on some additional ideas as well, to
23 educate the consumer.

24 While we have the seven retail partnerships
25 secured, we are not done. We are continuing outreach

1 efforts to several other organizations; ongoing calls,
2 back and forth, e-mails, meetings. This includes Apple,
3 Costco, Sears, Staples, RC Willey, to name a few. So this
4 list is not completed by any means.

5 --o0o--

6 MS. KENNEDY: The advisory board; this was a very
7 important component for the campaign. We have 31 charter
8 members, which is we think is a wonderful number, and they
9 represent a very diverse group: We have manufacturers; we
10 have retailer partners; we have individuals from a
11 nonprofit sector; we have individuals representing, you
12 know, the environmental community; and obviously recyclers
13 themselves. That would make sense; correct?

14 And we had our first kick-off meeting on
15 November 2nd. The purpose of that meeting was, first of
16 all, to have the advisory board members to get a chance to
17 get to know each other, meet each other, network,
18 understand the goals and activities of the campaign, and a
19 chance to try and provide ideas.

20 Based on that, there are four subcommittees that
21 have been formed. And right now we have about five to
22 seven individuals signed up for each subcommittee. So
23 this is obviously a board that's going to be active. The
24 next meeting is slated for February. So we will be
25 collaborating with them throughout the life of the

1 campaign, taking their ideas to make sure that they are
2 implemented.

3 --o0o--

4 MS. KENNEDY: Partial listing of some of the
5 advisory Board members. Obviously this is not all 31 of
6 them.

7 --o0o--

8 MS. KENNEDY: I had mentioned the collateral
9 materials. I do want to take a step back. Before Ogilvy
10 was awarded this contract, work had already been done. A
11 Web site had been developed; a wonderful look and feel.
12 There had been some collateral materials created that
13 people could download, might purchase, Web banner, etc.

14 So we believe that under this we will expand,
15 augment, and look for new and additional ideas. So you
16 can see a couple of different things that had been
17 created. There's also a "shelf talker." And in our
18 discussions with Wal-Mart, again, we're looking at
19 actually doing TV clings. So the information might be on
20 a cling on your own television. And then stickers. We
21 think it's really important to get the input from the
22 retailers and the advisory board. They are the ones out
23 there, living it, breathing it; see what items are
24 actually going to assist them and educate the consumer.
25 But that's the closest [sic] of the materials right there.

1 --o0o--

2 MS. KENNEDY: Another very important component to
3 this campaign is media relations. I'm going to talk about
4 ongoing relations for the moment. I want to give you a
5 brief recap of what happened in Sacramento. We did do our
6 launch event for this campaign for the state of
7 California. It was held here, in Sacramento.

8 You can see the speaker lineup. We had a
9 wonderful attendance. And a lot of people from our
10 advisory board, members of the community, Sacramento
11 Chamber attended the event as well.

12 As a result of that event, we had 13 media stories
13 secured. And we have several still in play. We are still
14 currently doing outreach. They weren't able to actually
15 attend the event, but Channel 10, La Punon [phonetic], the
16 Sacramento Magazine, Waste Age, Recycling Today, we're
17 talking to them right now. So we should be expecting
18 stories out from those organizations fairly soon.

19 --o0o--

20 MS. KENNEDY: This next slide shows you the media
21 secured. And it should be noted that some of the stations
22 ran the story multiple times. So KCRA ran it three times;
23 KFBK ran it twice, etc.

24 CHAIRPERSON BROWN: Do you have all that, by any
25 chance? You have copies of all that?

1 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Yes.

2 CHAIRPERSON BROWN: Okay. Thank you.

3 And after we show this, do you want to show --

4 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS:

5 Actually, after this -- I would like to show one of the
6 segments really quick -- it's a good one -- after we're
7 done here, if that's all right with you.

8 CHAIRPERSON BROWN: I'll allow it.

9 MS. KENNEDY: We'll make it short.

10 All this media coverage actually resulted in over
11 680,000 media impressions. And if you were to have bought
12 the air time or the radio time, it would have been about
13 \$50,000.

14 So that is what happened at the Sacramento media
15 event.

16 And Jon, do you want to play it now, or have it
17 play at the very end?

18 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Yeah.

19 MS. KENNEDY: The very end?

20 Next slide.

21 --o0o--

22 MS. KENNEDY: What is complementing our media
23 relations activities? And again, I will talk a little bit
24 about them from a California perspective, not just
25 Sacramento, is public service announcement placements.

1 Rachel talked about that for the tire campaign.
2 This has been a wonderful addition to augmenting our media
3 activities for the e-waste.

4 To date, you can see the numbers; cumulative, May
5 through September, you've got, you know, more than 24,000
6 air plays and a dollar value of 1.3 million. We are
7 working with a subcontractor to go ahead and obtain this.
8 And the subcontractor was actually working with OPA
9 directly, before we were hired. So that's why you see the
10 May number. And we didn't start it until later in July.
11 So that kind of explains that.

12 MEMBER MULÉ: Excuse me. Board Member Petersen
13 has a quick question.

14 Air play, is that --

15 MS. KENNEDY: The number of times it aired.

16 MEMBER PETERSEN: Is that radio or TV?

17 MEMBER MULÉ: We know what that means. Is that
18 radio or TV?

19 MS. KENNEDY: Television.

20 MEMBER PETERSEN: Okay.

21 MS. KENNEDY: And what we're also working on, when
22 we go ahead and talk to the public affairs directors, the
23 public affairs directors are often the people that make
24 sure it's -- the PSA is played, but they also receive the
25 talk shows. So we actually have eight different talk

1 shows that have been booked. And we're just trying to
2 finalize those last minute details: dates, times, where we
3 are going, who's going.

4 Just to provide you a brief overview on a couple
5 of them, we're looking in Sacramento, KTXL, Fox 40; in
6 Sacramento, again, KBMB, the Bomb, which is a hip-hop
7 radio station; Sacramento Access; we had two in San
8 Francisco.

9 And what we are actually very excited about is in
10 Pasadena and Los Angeles, there's two stations. Each
11 market -- they are sister stations. They are looking at
12 having a panel come on and having a live discussion about
13 that.

14 So Jon's team, I am sure, will be in touch with
15 you in regards to that. Those are some wonderful
16 opportunities as well.

17 --o0o--

18 MS. KENNEDY: So other activities that are in
19 progress and we're working on right now. Not only did we
20 want to go ahead and launch the event in Sacramento, but
21 we felt it was important to do a statewide presence. So
22 we are going to Fresno and Los Angeles as well, to make
23 sure those communities are aware of this campaign.

24 Fresno is coming up next week. On Thursday, we'll
25 be down there. It will be hosted with John Shegerian's

1 organization, Electronic Recyclers. The speakers that are
2 confirmed: Obviously, Chairman Brown will be in
3 attendance; we have the mayor of Fresno that will be in
4 attendance; we have representatives from Sony, so the
5 manufacturer side. And then a representative from
6 Wal-Mart, so the retailer side; and then also invited, but
7 not confirmed quite yet, is Dr. Peter Smith, who's the
8 vice president from CSU Fresno, and then that whole
9 educational side of that electronics use and waste and
10 reduction.

11 After the pressing that takes place there, there
12 will be a facility tour. Very, very similar to how the
13 Sacramento event went. And again, we're inviting
14 additional people to attend. So there will be advisory
15 board and members from the community. So we are expecting
16 a wonderful event there.

17 We are looking at doing the Los Angeles event
18 sometime in January. It may be more of a media
19 opportunity and media tour, and we'll be making sure that
20 we really include -- we have done both Fresno and
21 Sacramento. We're reaching out to the Hispanic media
22 as well. That will be very important.

23 So talking about -- so we're going to do these
24 events. We're going to get great media coverage. But
25 then what? We need to continue doing the media outreach.

1 It's really important to go ahead and tell the story.
2 It's retailers. It's also what they read, what they hear,
3 what they see on television.

4 So we're in the process right now of developing a
5 comprehensive media plan. And that means saturating all
6 the major media outlets in California, making sure stories
7 appear in the dailies, your weeklies, the trade
8 publications, online publications. And you have such a
9 wonderful story to tell, but we need to get national press
10 releases as well. So that's all part of the plan.

11 We talked about this briefly already, but ongoing
12 advisory board interaction. Again, we have some wonderful
13 players, people who are leading this effort. We want to
14 make sure that we get their input and their ideas, and
15 they have buy-in.

16 Obviously, with regards to the retail partners,
17 which is the cornerstone of the campaign, we will continue
18 to reach out to more, recruit more, get all the trainings
19 done, look at waste. We can go ahead and provide
20 informational materials.

21 With Wal-Mart, what we did, for example, is,
22 versus supplying materials over and over again -- I think
23 it's a little expensive with 170 stores. They requested
24 that we provide the materials on a CD and then managers,
25 in-house, can go ahead.

1 So those are the different options that we're
2 looking at to help reduce the costs. Obviously, ongoing
3 PSA placement will take place. We'll continue doing a lot
4 of different activities when Earth Day comes up. So I
5 think we're going to have a very busy April.

6 And then we do have a meeting scheduled next week
7 to talk with your staff about the Web site, how can we
8 keep it alive and updated. And the advisory board has
9 some ideas, and they will be providing input on that as
10 well.

11 --o0o--

12 MS. KENNEDY: So while we've just begun the
13 campaign, as Rachel, mentioned, we're always looking
14 ahead, how we're going to measure results, how we're going
15 to make sure that we're actually hitting the mark.

16 The way we're going to measure this campaign
17 specifically includes how many retail partners we secure.
18 And we're going to be working with them to understand how
19 many materials were distributed, how many consumers came
20 to the stores.

21 So we'll have some wonderful reports to get back
22 to you, once we get a little bit further along. Again,
23 materials distributed, whether it's downloaded;
24 information that we give to our retail partners or our
25 advisory board, media content analysis; where were the

1 stories placed? What was the tone? What was the
2 coverage? We have to pay for it. So a complete analysis.

3 We want to get the feedback from our advisory
4 board; are they happy? Do they feel like this campaign is
5 a success. Again, they are the movers and shakers.

6 And then lastly, number of hits to your Web site;
7 number of calls to the 1-800 number. And we will have, at
8 the very end -- actually the middle way -- consumer
9 tracking or polls. So we can go ahead and figure out what
10 do Californians think of this campaign? Do we need to
11 make any adjustments? Are those levels increasing?

12 So that concludes the electronics waste campaign
13 update.

14 Are there any questions?

15 CHAIRPERSON BROWN: Not from me, Beverly.

16 That was good.

17 Does anybody have any questions?

18 MEMBER MULÉ: No questions.

19 I just have a couple of comments. First of all,
20 thank you, Beverly and Rachel. You all are doing a great
21 job. And we really -- I appreciate all the work that you
22 are doing.

23 Jon, I know you and your staff have worked very
24 hard on this. Of course -- as you know, my -- my primary
25 interest lies in the recycled content materials contract,

1 because, as I mentioned several years ago, as we were
2 first discussing this concept, the idea was to not only
3 educate the jurisdictions on the benefits of using the
4 recycled content products, but it was also to educate them
5 on the tools and the resources that the Board can provide
6 to them in terms of grants and technical assistance.

7 And it sounds like you are getting that message
8 across, and they are capturing that message. So that's
9 good.

10 My question, Jon, is basically: Do you have a
11 transition plan in place? I know that some of our program
12 staff have been accompanying you and our contractor with
13 these local jurisdictions' meetings.

14 But again, as I recall, the intent -- our intent,
15 way back when, when we were developing this concept, was
16 to have our local assistance staff kind of take over and
17 become the technical experts in meeting with the
18 jurisdictions and educating them on recycled content
19 products.

20 So could you just kind of go into that a little
21 bit, what your plans are?

22 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Sure.

23 And you are absolutely correct. The intent, right
24 from the beginning, was at some point there would be a
25 transition from this campaign back over to CIWMB staff.

1 What division or what department that fell into wasn't
2 defined at that time. But as we moved it along, it seemed
3 very appropriate that we would incorporate that into the
4 Office of Local Assistance.

5 I had been -- we've had some discussions with that
6 division so far. We've been discussing it with our
7 executive director, but we haven't defined yet how that
8 transition will take place. But that is what we're
9 looking at, to incorporate.

10 MEMBER MULÉ: Again, maybe -- might have been a
11 good idea, maybe to have them go along on some of the --

12 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: That's
13 where I'm going next.

14 MEMBER MULÉ: So they -- they get down the talking
15 points and they understand -- you know, the flow of how --
16 you know, the flow of the process and the information.

17 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Sure.
18 That's exactly where I'm going next.

19 We just completed, I think -- what did we say? --
20 42? And we met our goal. And at this point, you know,
21 there's some follow-up that's crucial, over the next
22 couple of months, that we need to do with the local
23 jurisdictions.

24 This contract is all the way up until June. What
25 we wanted to start doing is to start bringing along some

1 of our own OLA staff to come along and see how the
2 meetings are set up, how they take place, how they are
3 conducted.

4 We have -- we're dealing with two -- two different
5 divisions here, depending on how you look at. You know,
6 we have the technical experts that come along, to supply
7 the expertise, to be able to discuss, in detail, some of
8 the projects that are going on. But we realize that
9 what the technical experts are going out and doing are
10 working with local jurisdictions, and it falls under the
11 Office of Local Assistance, who developed those
12 relationships.

13 So what we'd like to do is have Ogilvy work with
14 Office of Local Assistance to help them understand how
15 these meetings are set up. You know, that's not always
16 easy to get in. As we said, we're going to be meeting
17 with the mayor's office in Los Angeles. There's a lot
18 that it takes to get into some of those offices. And once
19 you are in there, you know, being able to deliver the
20 message correctly.

21 So we would like to be able to work with OLA staff
22 on how to set that up.

23 MS. KENNEDY: Can I add something?

24 Just with regard to the transition, Ogilvy has
25 quite a bit of experience transitioning things back to

1 agencies. Our RFP is issued for two or three years; then
2 it goes in-house. So working with Jon and staff, we will,
3 over the next six months, make sure that they are brought
4 up to speed; we will be transferring documents. We will
5 be doing train the trainer, so to speak.

6 So we have done that before. So I just want to
7 make sure the Board feels comfortable that we will
8 develop....

9 MEMBER MULÉ: Thank you so much. Again, you've
10 all done a great job. Thank you.

11 CHAIRPERSON BROWN: John, did you want to -- I
12 have one speaker.

13 And Jon, did you want to quickly show your clip?
14 Did you have a clip you wanted to show?

15 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Yes.
16 Just give an example of some of the media attention that
17 we got over the last event.

18 (The video did not play due to technical
19 malfunction.)

20 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Or maybe
21 we will just distribute it to all of your offices and let
22 you see it all.

23 It didn't get lined up correctly. So I will
24 distribute that and you can see it.

25 CHAIRPERSON BROWN: I might prefer it to be

1 distributed instead of viewed up here. Okay.

2 Evan Edgar, our speaker. You guys can all heckle
3 in private.

4 I'm sorry, Evan. Not heckle you; I was referring
5 to the DVD. Once they viewed them in their private
6 offices, they can heckle me then.

7 And now, Evan.

8 MR. EDGAR: My name is Evan Edgar on behalf of the
9 California Refuse Removal Council.

10 We're supporters of SB 20/50. It's a great
11 program; it's revolutionary.

12 And 30 of our members are authorized collectors
13 out of the 450. We support the messaging, to the public,
14 about the e-waste program because it's needed out there.

15 But there's a little bit of disconnect down the
16 road, though, I want to make sure the message doesn't
17 promote, that could hurt the dual process. What I mean by
18 dual process is, SB 20 and SB 50 program on the
19 collector's side, is a voluntary program.

20 And we are a city agent, so a lot of our
21 collectors are agents on behalf of the cities. It's a
22 great program.

23 And down the road, it's defined as free and
24 convenient. So eventually, SB 20/50 for the authorized
25 collectors and the cities have offered a free and

1 convenient event to the general public. And eventually
2 that will be defined. And part of the message may or may
3 not be free and convenient.

4 So as the consumer, you may pay six, eight, and
5 ten bucks at the consumer level. And then you get a
6 message that it's free and convenient when you get done
7 with a product two to five years from now. Well, the dual
8 process is a lot of people aren't signing up for SB 20/50.
9 Out of the CRRC membership, out of a hundred authorized
10 franchise collectors, only 30 are actually part of the SB
11 20/50. We have a dual process. They call the green
12 market, whereby we're only getting ten cents a pound, not
13 20 cents a pound, but it's working. But as part of that,
14 we are also getting -- allowed to get a tip fee at the
15 transfer station or the MRF of the landfill.

16 The part of the dual system is that we are not
17 keeping the paperwork, the source control. We're not
18 going -- we're planning CRT regs with the DTSC. We're
19 doing all the regulatory maintenance needed in order to
20 store e-waste, but we're in the part of the SB 20/50
21 program. We support both programs: People who
22 voluntarily to sign up and people who want in the green
23 market.

24 And we want to continue to get the tip fee at the
25 MRF and the landfill because we can -- in order to cover

1 the service fee to handle the e-waste that we only get 10
2 cents a pound on.

3 So as part of the messaging, in the future, it
4 could be a train wreck or a disconnect whereby a message
5 is free and convenient when you buy a piece of e-waste and
6 it's not the case, because we like to have the ability to
7 collect the tip fee at our MRFs and landfills in the
8 future.

9 Thank you.

10 CHAIRPERSON BROWN: Thank you, Evan. Appreciate
11 that comment and the observation. And I guess, is that a
12 warning sign on the railroad track, like the flashing
13 lights?

14 Thank you.

15 Anybody have any questions?

16 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Can I
17 address that comment, if you mind?

18 CHAIRPERSON BROWN: Sure.

19 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: Just to
20 make you aware, that comment was raised as well during
21 our -- the partnership meeting. So we're all well aware
22 of the messaging that needs to be done on this and
23 incorporating that as we move forward.

24 CHAIRPERSON BROWN: Great. Thank you.

25 PUBLIC AFFAIRS ASSISTANT DIRECTOR MYERS: It's

1 also part of the e-waste team, erecycle.dot org site as
2 well; that when you go on there and you are looking for
3 the facility nearest you, to deliver that, that will come
4 up whether you are part of the SB20 or --

5 CHAIRPERSON BROWN: Great. Thank you.

6 Any other questions, comments?

7 New business?

8 Old business?

9 This meeting is adjourned, without a gavel.

10 (Thereupon the California Integrated Waste
11 Management Board's full Board meeting
12 adjourned at 12:41 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing California Integrated Waste Management
6 Board's full Board meeting was reported in shorthand by
7 me, Kathryn S. Kenyon, a Certified Shorthand Reporter of
8 the State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 20th day of December, 2006.

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23 KATHRYN S. KENYON, CSR

24 Certified Shorthand Reporter

25 License No. 13061